



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1766 of 2024

Sri Saraswathi Roadways,
Rep. by its Proprietor Mr.Raviendra Singh
Venkateshwara Rice Mill Compound,
Old Madras Road, Virgo Nagar Post,
Opp. New Commercial Tax Check Post,
Bangalore 560 049.
Karnataka

...Petitioner

Vs.

M/s.Toll (India) Logistics Private Limited,
Rpresented by its Authorized signatory
Mr.P.G.Gunaseelan
9-A, Puzhal Ambattur Road,
1st Street, Puzhal,
Chennai 600 066.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 22.12.2023 passed in Crl.M.P.No.33045 of 2023 in Crl.A.No.807 of 2023 before the Principal Sessions Court at Chennai.

For Petitioner : Mr.M.L.Joseph for
M/s.Chennai Law Associates



ORDER

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This criminal original petition has been filed challenging the order passed by the Court below in Crl.M.P.No.33045 of 2023, dated 22.12.2023, dismissing the application filed by the petitioners seeking for suspension of sentence pending the appeal in Crl.A.No.807 of 2023.

2.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

3.The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, Fast Track-II, Egmore by judgment dated 22.11.2023. The petitioner was sentenced to undergo six months simple imprisonment and to pay a sum of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only) as compensation and in default to undergo two months simple imprisonment. The Trial Court suspended the sentence till 21.12.2023.

4.The petitioner aggrieved by the judgment passed by the Trial Court filed an appeal before the Court below in Crl.A.No.807 of 2023. Along with this appeal, the petitioner also filed an application for suspension of sentence. The



Court below declined to entertain this application on the ground that the period for which the sentence was suspended by the Trial Court had expired. Therefore, the Court below refused to entertain the application for suspension of sentence. Aggrieved by this order, the present criminal original petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case, this criminal original petition is disposed of with the following directions:

(a) The petitioner is directed to surrender before the IVth Additional City Civil Court, Chennai on or before 08.02.2024 and file a bail application.

(b) The IVth Additional City Civil Court shall grant interim bail to the petitioner subject to the condition that the petitioner deposits 20% of the compensation amount within a period of 60 days thereafter.

(c) If the petitioner deposits the compensation amount within the time frame fixed by the Court below, the bail order shall be made absolute by imposing necessary conditions, and



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ssr

(d)If the petitioner fails to deposit the compensation amount within the time frame fixed, the Court below shall cancel the interim bail and secure the petitioner to undergo the sentence.

01.02.2024

Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

ssr

Note:Issue Order Copy on 02.02.2024

To

1.The Principal Sessions Judge, City Civil Court.

2.The IVth Additional City Civil Court, Chennai.

3.The Public Prosecutor,
High Court, Madras.

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