



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1644 of 2024

1.Sri Thenandal Films,
Rep. by its Authorized Signatory Mr.N.Ramasamy
Authorized Signatory of Sri Thenandal Films,
Son of Mr.R.M.Narayanan,
No.14/19, Saraswathi Street,
Mahalingapuram, Chennai – 34.

2.N.Ramasamy

...Petitioner

Vs.

Narendra Harlalka HUF,
Represented by its Karta, Mr.Narendra Harlalka,
Son of Late Devkinandan Harlalka, Harlalka
Triveni House,
No.6 A Govindan Street,
Aminjikarai, Chennai 600 029.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order made in CrI.A.No.48 of 2024 dated 22.01.2024 passed by the learned Principal Sessions Judge, City Civil Court and allow the criminal original petition.

For Petitioner : Mr.S.Karthikei Balan



ORDER

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This criminal original petition has been filed challenging the order passed by the Court below in CrI.M.P.No.2287 of 2024, dated 22.01.2024, dismissing the application filed by the petitioners seeking for suspension of sentence pending the appeal in CrI.A.No.48 of 2024.

2.This Court has carefully considered the submissions made by the learned counsel for the petitioners 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 03.01.2023. The petitioner was sentenced to undergo six months simple imprisonment and to pay a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) as compensation and in default to undergo two months simple imprisonment. Since the 2nd petitioner was not present before the Trial Court on the date of the judgment, non-bailable warrant was issued against the 2nd petitioner and the same was pending.

4.The petitioner aggrieved by the judgment passed by the Trial Court filed an appeal before the Court below in CrI.A.No.48 of 2024. 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 there is already a non-bailable warrant pending against the 2nd petitioner. Therefore, the Court below directed the 2nd petitioner to surrender and seek for bail. 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 2nd petitioner is directed to surrender before the VIth Additional City Civil Court, Chennai on or before 02.02.2024 and file a bail application.

(b) The VIth Additional City Civil Court shall grant interim bail to the 2nd petitioner subject to the condition that the petitioner deposit 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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N.ANAND VENKATESH, J

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 2nd petitioner to undergo the sentence.

29.01.2024

Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

ssr

Note:Issue Order Copy on 30.01.2024

To

1.The Principal Sessions Judge, City Civil Court.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.1644 of 2024