



CrI.O.P.No.2923 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.2923 of 2024

1.Lakshara Beauty Care
represented by its Authorized Signatory,
K.Latha,
No.232, Manssion Street,
Greems Road, Thousand Lights,
Chennai - 600 006.

2.K.Latha

... Petitioners

Vs.

Initha Lazar Mary
W/o.Stephen

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the order in CrI.M.P.No.908 of 2024 in CrI.A.No.20 of 2024 in C.C.No.5751 of 2018 dated 08.01.2024 passed by learned Principal Sessions Judge, Chennai.

For Petitioners : Ms.P.Sarvalogasundari



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ORDER

This petition has been filed challenging the order passed by the Court below in Crl.M.P.No.908 of 2024 in Crl.A.No.20 of 2024, dated 08.01.2024, dismissing the application filed by the petitioners seeking for suspension of sentence pending disposal of the appeal.

2. The petitioners were convicted for offence u/s.138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, FTC II, Egmore, Allikulam, Chennai, through judgment dated 31.10.2023 and the second petitioner was sentenced to undergo six months imprisonment and to pay compensation of Rs.8,00,000/- in default to undergo two months simple imprisonment. The trial Court suspended the sentence till 29.11.2023. Aggrieved by the same, the petitioner filed an appeal in Crl.A.No.20 of 2024 on the file of Principal Sessions Judge, Chennai. The petitioner also filed an application seeking for suspension of sentence. The Court below had dismissed the application mainly on the ground that by the time the application was taken up for hearing, the period for which the trial Court had suspended the sentence had expired. Aggrieved by the same, the present petition has been filed before this

Court.



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

4. Learned counsel for petitioner submits that the case has been made over to XXIII Additional Judge, City Civil Court, Chennai.

Taking into consideration the facts and circumstances of the case, this Court disposes of the present petition in the following terms:

- (a) the second petitioner is directed to surrender before the XXIII Additional Judge, City Civil Court, Chennai, on or before 19.02.2024 and file a bail application before the concerned Court;
- (b) the second petitioner shall deposit 20% of the compensation amount fixed by the trial Court within a period of 60 days, to the credit of C.C.No.5751 of 2018;
- (c) the XXIII Additional Judge, City Civil Court, Chennai, shall grant interim bail to the second petitioner for a period of 60 days;
- (d) if the second petitioner deposits the compensation amount within the period of 60 days fixed by this Court, the bail order shall be made absolute by imposing necessary conditions; and



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N.ANAND VENKATESH, J

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(e) if the second petitioner fails to deposit the compensation amount as directed by this Court, interim bail order shall stand cancelled and the Court below shall make the second petitioner to undergo the sentence imposed by the trial Court.

13.02.2024

Note: Issue order copy by 14.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

- 1.The XXIII Additional Judge,
City Civil Court, Chennai.
- 2.The Principal Sessions Judge,
Chennai.
- 3.The Metropolitan Magistrate,
FTC II, Egmore,
Allikulam, Chennai.

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