



WEB COPY



Crl.O.P.No.2014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2014 of 2024

M/s.Rakil Foods,
represented by its Proprietor,
K.Sivasankari
D/o.Karthikeyan

... Petitioner

Vs.

M/s.Pomana Super Fresh
represented by its Proprietor,
N.Divya
Having Office at Ground Floor,
Old No.15, New No.2, 5th Street,
Tamil Nadu Housing Board,
Korattur, Chennai - 600 080.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records and to set aside the order dated 12.01.2024 passed by learned Principal Sessions Judge, Chennai, in Crl.M.P.No.1609 of 2024 in C.A.No.36 of 2024 (on the file of learned XVIII Additional Sessions Judge, Chennai) and suspend the sentence imposed by the trial Court in STC No.2095 of 2022 on the file of FTC-II, Chennai, dated 12.12.2023.

For Petitioner : Mr.G.Ashok Kumar

ORDER



Crl.O.P.No.2014 of 2024

WEB COPY

This petition has been filed challenging the order passed by the Court below in Crl.M.P.No.1609 of 2024 in C.A.No.36 of 2024, dated 12.01.2024 dismissing the application filed by the petitioner seeking for suspension of sentence pending disposal of the appeal.

2. The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, FTC II, Egmore, Allikulam, Chennai, through judgment dated 12.12.2023 and was sentenced to undergo six months imprisonment and to pay compensation of Rs.5,00,000/- in default to undergo two months simple imprisonment. The trial Court suspended the sentence till 10.01.2024. Aggrieved by the same, the petitioner filed an appeal in C.A.No.36 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.

3. This Court carefully considered the submissions made by



Crl.O.P.No.2014 of 2024

learned counsel for petitioner and the materials available on record.

WEB COPY

4. Learned counsel for petitioner submits that the case has been made over to XVIII Additional Sessions Court, Singaravelar Maligai, Chennai.

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

- (a) the petitioner is directed to surrender before the XVIII Additional Sessions Court, Singaravelar Maligai, Chennai, on or before 12.02.2024 and file a bail application before the concerned Court;
- (b) the petitioner shall deposit 20% of the compensation amount fixed by the trial Court within a period of 60 days, to the credit of STC No.2095 of 2022;
- (c) the XVIII Additional Sessions Court, Singaravelar Maligai, Chennai, shall grant interim bail to the petitioner for a period of 60 days;
- (d) if the 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

N.ANAND VENKATESH, J



Crl.O.P.No.2014 of 2024

gm

WEB COPY

(e) if the 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 petitioner to undergo the sentence imposed by the trial Court.

07.02.2024

Note: Issue order copy by 08.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

1.The XVIII Additional Sessions Judge,
Chennai.

2.The FTC-II,
Chennai.

Crl.O.P.No.2014 of 2024