



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2080 of 2024
and CRL.M.P No.1490 of 2024

T.Rajasekar

...Petitioner

Vs.

V.Panner Selvam

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to order dated 19.01.2024 passed in the above Crl.M.P.No.1884 of 2024 in Crl.A.No.43 of 2024 pending on the file of Principal Sessions Judge, Chennai and set aside the same and pass order suspend the sentence passed in C.C.No.7539 of 2017 on 21.12.2023 on the file of Metropolitan Magistrate Fast Track Court-I, Allikulam, Chennai – 3, till the disposal of appeal Crl.A.No.43 of 2024.

For Petitioner : Mr.S.Pushpakaran

ORDER

This petition has been filed challenging the docket order passed by the Court below dated 19.01.2024, dismissing the application filed by the petitioner in Crl.M.P.No.1884 of 2024 for suspension of sentence pending in Crl.A.No.43 of 2024.



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

3.The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo one year simple imprisonment and to pay the cheque amount as fine and in default to undergo three months simple imprisonment. The petitioner aggrieved by the judgment passed by the trial Court, filed an appeal before the Court below in CrI.A.No.43 of 2024. The Trial Court itself had suspended the sentence for a period of thirty days by an order dated 21.12.2023. The petitioner filed the appeal on time and also moved an application for suspension of sentence. The application was listed on 19.12.2023. Since the counsel for the petitioner did not appear before the Court below at the time of hearing, the application was dismissed for default. Aggrieved by the same, the present criminal original petition has been filed before this Court.

4.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 IInd Additional



City Civil Court, Chennai on or before 09.02.2024 and file a bail application.

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(b)The IInd Additional City Civil Court shall grant interim bail to the 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

(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. Consequently, connected miscellaneous petition is closed.

05.02.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

Note:Issue Order Copy on 06.02.2024



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N.ANAND VENKATESH, J

SSR

To

- 1.The Principal Sessions Judge, Chennai.
- 2.The Metropolitan Magistrate Fast Track Court-I, Allikulam, Chennai – 3.
- 3.The Public Prosecutor,
High Court, Madras.

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