



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2090 of 2024

V.S.Shanmugam

...Petitioner

Vs.

Kasi Muthu Manickam

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the CrI.M.P.No.2282 of 2024 in C.A.No.47 of 2024 on the file of the Court of Principal Sessions Judge, Chennai and set aside the same thereby suspending the sentence of the petitioner.

For Petitioner : Mr.N.Hashwatha

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in CrI.M.P.No.2282 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.47 of 2024.

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, Saidapet, Chennai by judgment dated 21.12.2023. The petitioner was sentenced to undergo three months simple imprisonment and to pay the cheque amount with 6% interest per annum for the date of complaint till the date of judgment as compensation to the complainant, in default to undergo one month simple imprisonment. The Trial Court suspended the sentence till 12.01.2024.

4.The petitioner aggrieved by the judgment passed by the Trial Court filed an appeal before the Court below in CrI.A.No.47 of 2024. Along with this appeal, the petitioner also filed an application for suspension of sentence. However, by the time the suspension of sentence application was taken up, this period expired and hence, 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 VIIth Additional City Civil Court, Chennai on or before 09.02.2024 and file a bail application.



(b)The VIIth 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

(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.

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 Public Prosecutor,
High Court, Madras.

CRL.O.P No.2090 of 2024

05.02.2024