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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2498 of 2024

Navin Ads

Rep. by its Proprietor

Mr.Navin M.Jain

No.376, 2nd Floor, Chandan Complex,

Mint Street, Chennai – 600 079.

...Petitioner

Vs.

Rajasthan Patrika Private Limited

Rep. by its Senior Branch Manager: Jose.P

Office at Suite No.2-A

First Floor, Wellington Estate,

No.53, Ethiraj Salai,

Chennai – 600 008

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 02.01.2024 passed in Crl.M.P.No.54 of 2024 in Crl.A.No.821 of 2023 on the file of the Principal Session Court, Chennai and suspend the sentence of the petitioner in C.C.No.9418 of 2018 on the file of the Fast Track Court No.2, Egmore at Allikulam, Chennai till the disposal of the Crl.A.No.821 of 2023 on the file of the Principal Session Court, Chennai and thus render justice.



For Petitioner : Mr.A.Arvind Kumar

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in CrI.M.P.No.54 of 2024, dated 02.01.2024, dismissing the application filed by the petitioner seeking for suspension of sentence pending the appeal in CrI.A.No.821 of 2023.

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, Egmore by judgment dated 27.11.2023. The petitioner was sentenced to undergo six months simple imprisonment and to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as compensation and in default to undergo two months simple imprisonment. The Trial Court suspended the sentence till 26.12.2023.



4.The petitioner aggrieved by the judgment passed by the Trial Court filed an appeal before the Court below in CrI.A.No.821 of 2023. 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 the period for which the sentence was suspended by the Trial Court had expired. Therefore, 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 IVth Additional Sessions Judge, City Civil Court, Chennai on or before 14.02.2024 and file a bail application.

(b)The IVth Additional Sessions Judge, 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.



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(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.

08.02.2024

Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

ssr

Note: Issue Order Copy on 09.02.2024



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To

- 1.The Principal Session Court, Chennai.
- 2.The Fast Track Court No.2, Egmore at Allikulam, Chennai.
- 3.The IVth Additional Sessions Judge, City Civil Court, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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