



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2329 of 2024

1.V.Vinod

2.V.Thangam

...Petitioners

Vs.

D.Rajesh

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the order passed in Crl.M.P.No.2289 of 2024 in Crl.A.No.50 of 2024 by the Principal Sessions Court, Chennai ated 22.01.2024 and set aside the same.

For Petitioners : Mr.P.Thinesh

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in Crl.M.P.No.2289 of 2024, dated 22.01.2024, dismissing the application filed by the petitioners seeking for suspension of sentence pending the appeal in Crl.A.No.50 of 2024.



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

3.The petitioners were convicted for offence under Section 138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, Fast Track-II, Egmore by judgment dated 22.12.2023. The petitioners were sentenced to undergo six months simple imprisonment and to pay a sum of Rs.5,50,000/- (Rupees Five Lakhs Fifty Thousand only) as compensation and in default to undergo two months simple imprisonment. The Trial Court suspended the sentence till 19.01.2024.

4.The petitioners aggrieved by the judgment passed by the Trial Court filed an appeal before the Court below in CrI.A.No.50 of 2024. Along with this appeal, the petitioners 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:



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(a)The petitioners are directed to surrender before the IIIrd Additional Sessions Judge, City Civil Court, Chennai on or before 12.02.2024 and file a bail application.

(b)The IIIrd Additional Sessions Judge, City Civil Court shall grant interim bail to the petitioners subject to the condition that the petitioners deposits 20% of the compensation amount within a period of 60 days thereafter.

(c)If the petitioners 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 petitioners fails to deposit the compensation amount within the time frame fixed, the Court below shall cancel the interim bail and secure the petitioners to undergo the sentence.

07.02.2024

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

Note:Issue Order Copy on 08.02.2024



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N.ANAND VENKATESH, J

SSR

To

- 1.The Principal Sessions Judge, City Civil Court.
- 2.The IIIrd Additional Sessions Judge, City Civil Court, Chennai
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.2329 of 2024

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