



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2702 of 2024

G.Krishnan Vijayan

...Petitioner

Vs.

Mr.N.Mohan

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order of dismissal dated 23.01.2024 made in C.M.P.No.2471 of 2024 in C.A.No.53 of 2024 on the file of the Principal Session Judge, Chennai.

For Petitioner : Mr.S.Saranraj

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in C.M.P.No.2471 of 2024 in C.A.No.53 of 2024 dated 23.01.2024, dismissing the application filed by the petitioner seeking for suspension of sentence.

2.Heard the learned counsel for the petitioner and carefully perused the materials available on record.

3.The petitioner was convicted for offence under Section 138 of the Negotiable



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Instruments Act and was sentenced to undergo one year simple imprisonment and to pay the cheque amount as fine within one month and in default to undergo three months simple imprisonment, by judgment passed by the learned Metropolitan Magistrate, FTC-I, Egmore in STC.No.202 of 2022. Even while passing this judgment, the sentence was suspended for a period of thirty days.

4.The petitioner aggrieved by the above judgment, filed C.A.No.53 of 2024 before the Court below. Along with the appeal, the petitioner also filed an application for suspension of sentence pending disposal of the appeal. This application was dismissed by the Court below by an order dated 23.01.2024 on the ground that the suspension of sentence application was moved after the expiry of thirty days time granted by the Trial Court while suspending the sentence. Aggrieved by the same, the present criminal original petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and the ground that has been raised by the petitioner, this Court is inclined to dispose of this criminal original petition with the following directions:

a)The petitioner is directed to surrender before the Principal Sessions Judge, Chennai and file a bail application on or before 16.02.2024.



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b) On such surrender, the Court below shall grant interim bail to the petitioner for a period of sixty days by directing the petitioner to deposit 20% of the compensation amount that was fixed by the Trial Court.

c) If the petitioner deposits the 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 amount within the time frame fixed by the Court below, the interim bail shall be cancelled and the petitioner shall be secured and made to undergo the sentence imposed by the Trial Court.

12.02.2024

Index: Yes/No
Internet: Yes/No
ssr

Note: Issue Order Copy on 13.02.2024

To

1. The Principal Session Judge, Chennai.

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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