



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3260 of 2024

G.Srinivasan

...Petitioner

Vs.

Moheta Mary

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 24.01.2024 passed in CrI.M.P.No.2681 of 2024 on the file of the Principal Sessions Court, Chennai.

For Petitioner : Ms.N.Gomathi

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in CrI.M.P.No.2681 of 2024, dated 24.01.2024, dismissing the application filed by the petitioner seeking for suspension of sentence pending the appeal in CrI.A.No.59 of 2024.

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



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3.The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, Fast Track-I, Egmore by judgment dated 22.12.2023. The petitioner was sentenced to undergo one year simple imprisonment and to pay the cheque amount as compensation and in default to undergo three months simple imprisonment. The Trial Court suspended the sentence till 22.01.2024.

4.The petitioner aggrieved by the judgment passed by the Trial Court filed an appeal before the Court below in CrI.A.No.59 of 2024. 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 XIXth Additional Sessions

Judge, City Civil Court, Chennai on or before 19.02.2024 and file a bail application.



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(b)The XIXth 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.

(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.

14.02.2024

Index: Yes/No
Internet: Yes/No
ssr

Note:Issue Order Copy on 15.02.2024



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N.ANAND VENKATESH, J

ssr

To

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

CRL.O.P No.3260 of 2024

14.02.2024