



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3666 of 2024

A.Meeramohideen

...Petitioner

Vs.

The India Cements Limited,
Rep. by its Authorized Person Mr.S.Kannan,
Registered Office at No.827, Dhun Building,
Mount Road, Chennai - 600 002.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the XVIII Additional Judge, City Civil and Sessions Court, Chennai to number the Petition for Suspension of Sentence filed in SR.No.ATN20220021688D202400032 in Crl.A.No.79 of 2024 and dispose the same on merits.

For Petitioner : Mr.Mohammed Riyaz for
Mr.A.Mohamed Ismail

ORDER

This criminal original petition has been filed for a direction to the learned XVIII Additional Judge, City Civil and Sessions Court, Chennai to number the suspension of sentence petition filed along with the Crl.A.No.79 of 2024 and to pass orders on merits.



2.The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and to pay the cheque amount as fine under Section 357(3) of Cr.P.C., to be treated as compensation. When the judgment was passed by the Trial Court, the sentence was suspended for a period of thirty days.

3.Aggrieved by the above judgment, the petitioner filed an appeal before the Court below through E-filing mode at 11.01.2024. The appeal was numbered as CrI.A.No.79 of 2024 on 13.01.2024. However, by the time, the suspension of sentence application was numbered, the period for which the Trial Court had suspended the sentence had expired. Hence, the Registry before the Court below is not numbering the application filed for suspension of sentence. Aggrieved by the same, the present criminal original petition has been filed before this Court.

4.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 XVIII Additional Judge, City Civil and Sessions Court, Chennai on or before 26.02.2024 and file a bail application.



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(b) The XVIII Additional Judge, City Civil and Sessions Court, Chennai 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.

20.02.2024

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

Note: Issue Order Copy on 21.02.2024



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N.ANAND VENKATESH, J

SSR

To

- 1.The XVIII Additional Judge, City Civil and Sessions Court, Chennai
- 2.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.3666 of 2024

20.02.2024