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Crl.O.P.No.4055 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4055 of 2024

I. Amalaraj S/o. Ignachimuthu
Assistant Professor

... Petitioner

Vs.

Dr. Edwin Jesudoss, Advocate
S/o. Late Victor D Jesudoss

...Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code to set aside the order dated 29.01.2024 passed in Crl.M.P.No.2763 of 2024 in Crl.A.No.69 of 2024 by the learned Principal Sessions Judge at Chennai.

For Petitioner : Mr.K.Paranjothi Kandhan

ORDER

This petition has been filed challenging the order passed by the Court below in Crl.M.P.No.2763 of 2024, dismissing the application seeking for suspension of sentence pending in Crl.A.No.69 of 2024.



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2. Heard Mr..K.Paranjothi Kandhan, learned counsel appearing on behalf of the petitioner and this Court has carefully considered the materials available on record.

3. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to under go simple imprisonment for a period of eight months and to pay the cheque amount of Rs.8,50,000/- as compensation to the complainant and in default to undergo three months simple imprisonment vide judgment dated 08.11.2023 in S.T.C. No.2486 of 2022 passed by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai. The Trial Court had suspended the sentence till 07.12.2023.

4. The petitioner aggrieved by the Judgment of the Trial Court filed an appeal before the Principal Session Judge, City Civil Court, Chennai in Crl A.No.69 of 2024. Along with the appeal, the petitioner also filed Crl MP No.2763 of 2024 seeking for suspension of sentence. By the time this application was heard, the period for which the trial Court had



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suspended the sentence had expired and the petitioner has filed the appeal and petition for suspension of sentence on 07.12.2024 and it was represented after compliance of certain defects on 24.01.2024 and hence, the Court below has proceeded to dismiss the application and refused to entertain the same. Aggrieved by the same, this Criminal Original petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to dispose of this petition in the following terms:

(a) the petitioner is directed to surrender before the I Additional City Civil Court, Chennai, on or before 28.02.2024;

(b) the petitioner, at the time of surrender, shall also move an application seeking for bail before the I Additional City Civil Court, Chennai.

(c) the petitioner is directed to deposit 20% of the compensation amount fixed by the trial Court within 60



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days from the date of surrender. The appellate Court shall grant an interim bail to the petitioner by imposing necessary conditions for 60 days;

(d) if the petitioner complies with the direction issued by this Court, the appellate Court shall make the order of bail absolute by imposing necessary conditions; and

(e) if the petitioner fails to comply with the direction issued by this Court by not depositing the amount, the appellate Court shall cancel the interim bail and shall remand the petitioner to undergo the sentence imposed by the trial Court.

This Criminal Original Petition is disposed of with the above direction.

22.02.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

Note : Issue on 26.02.2024



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N.ANAND VENKATESH,J

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To

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

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22.02.2024