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Criminal Original Petition No.5402 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5402 of 2024

D.Anbazhagan
S/o.Duraisamy

... Petitioner

Vs.

M.Mahadevan
S/o.Mani

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the docket order passed by learned Additional District and Sessions Judge, Chengalpattu, Chengalpattu District, in CrI.M.P.No.1313 of 2023 in CrI.A.No.34 of 2023 dated 01.12.2023.

For Petitioner : Mr.M.Machavatharan

ORDER

This Criminal Original Petition has been filed challenging the docket order passed by the Court below dated 01.02.2023 dismissing the application filed in CrI.M.P.No.1313 of 2023 in CrI.A.No.34 of 2023 seeking for suspension of sentence.



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

3. The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act and was sentenced to undergo 10 months simple imprisonment and to pay compensation to Rs.3,85,500/- and in default to undergo two months simple imprisonment. The petitioner, aggrieved by the judgment of the trial Court, filed an appeal before the Additional District and Sessions Court, Chengalpattu District, in CrI.A.No.34 of 2023. Pending the appeal, the petitioner filed an application seeking for suspension of sentence in CrI.M.P.No.1313 of 2023. The Court below, by order dated 02.11.2023, suspended the sentence by imposing certain conditions. One such condition that was imposed by the Court below was that the petitioner should deposit 20% of the compensation within a period of thirty days. The petitioner was not able to comply with this condition and therefore, the Court below dismissed the application for suspension of sentence. Aggrieved by the same, the present petition has been filed before this Court.



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4. Learned counsel for petitioner submitted that the petitioner is willing to deposit the amount if some time is given by this Court.

5. Considering the above submission, there shall be a direction to the petitioner to deposit 20% of the compensation amount within a period of two (2) weeks from today. On such deposit, the suspension of sentence order passed by the Court below in CrI.M.P.No.1313 of 2023, dated 02.11.2023, shall be restored. If the petitioner fails to deposit the amount, the dismissal order dated 01.12.2023 will come into force and the petitioner will be secured and made to undergo the sentence.

This Criminal Original Petition is disposed of in the above terms.

06.03.2024

Note: Issue order copy by 07.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

gm

To

The Additional District and Sessions Judge,

Chengalpattu, Chengalpattu District.



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N.ANAND VENKATESH, J

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