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Criminal Original Petition No.4897 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.4897 of 2024

V.Magesh Kumar
S/o.M.Viswanathan

... Petitioner

Vs.

M.Dhandapani
S/o.Munusamy

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the order dated 06.02.2024 made in CrI.M.P.No.375 of 2024 in C.A.No.7 of 2024 on the file of Principal Sessions Judge, Vellore and suspend the sentence imposed in judgment dated 13.12.2023 made in STC No.91 of 2019 on the file of Judicial Magistrate (FTC), Vellore.

For Petitioner : Mr.C.S.Saravanan



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ORDER

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This Criminal Original Petition has been filed challenging the order passed by the Court below in CrI.M.P.No.375 of 2024 in C.A.No.7 of 2024, dated 06.02.2024, dismissing the application filed by the petitioner seeking for suspension of sentence pending disposal of the appeal.

2. The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act by the learned Judicial Magistrate (Fast Track Court), Vellore, through judgment dated 13.12.2023 and was sentenced to undergo six months imprisonment and to pay compensation of the cheque amount to the complainant as compensation within two months, in default, to undergo two months simple imprisonment. Aggrieved by the same, the petitioner filed an appeal in C.A.No.7 of 2024 on the file of Principal Sessions Judge, Vellore. The petitioner also filed an application seeking for suspension of sentence. The Court below had dismissed the application mainly on the ground that non-bailable warrant has been issued by the trial Court and hence, either the accused



has to surrender or avail orders from the higher forum. Aggrieved by the same, the present petition has been filed before this Court.

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

Taking into consideration the facts and circumstances of the case, this Court disposes of the present petition in the following terms:

- (a) the petitioner is directed to surrender before the Principal Sessions Judge, Vellore, on or before 07.03.2024 and file a bail application before the concerned Court;
- (b) the petitioner shall deposit 20% of the compensation amount fixed by the trial Court within a period of 60 days, to the credit of STC No.91 of 2019;
- (c) the Principal Sessions Judge, Vellore, shall grant interim bail to the petitioner for a period of 60 days;
- (d) if the petitioner deposits the compensation amount within the period of 60 days fixed by this Court, the bail order shall be made absolute by imposing necessary conditions; and



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N.ANAND VENKATESH, J

(e) if the petitioner fails to deposit the compensation amount as directed by this Court, interim bail order shall stand cancelled and the Court below shall make the petitioner to undergo the sentence imposed by the trial Court.

01.03.2024

Note: Issue order copy by 04.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Principal Sessions Judge
Vellore.

2.The Judicial Magistrate (FTC),
Vellore.

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