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Crl.O.P.No.5840 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5840 of 2024

and

Crl.M.P.No.4255 of 2024

1.M/s.Sargam Metals Pvt Ltd.,
Rep by its Managing Director Mr.S.Arun,
Module 35, 3rd floor, Block 1,
Electronic Complex, Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.

2.S.Arun,
Managing Director of M/s.Sargam Metals Pvt Ltd.,
Module 35, 3rd floor, Block 1,
Electronic Complex, Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.

Also at: No.189, Old No.122, St Mary's Road,
Alwarpet, Chennai – 600 018.

3.S.Varadachari,
Senior Manager Administration of
M/s.Sargam Metals Pvt Ltd.,
Module 35, 3rd floor, Block 1,
Electronic Complex, Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.

.. Petitioners

Vs.

M/s. Newlink Overseas finance Ltd.,
By its Director Mr.U.P.Prakasham,
Mamatha Complex, Second floor,
No.25, Whites Road,



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Royapettah, Chennai – 600 014,
Duly rep by its authorized signatory /
Senior general manager, Mr.S.Rajan

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Fast Track Court-II, Egmore, Allikulam, Chennai to recall the Non Bailable Warrant issued on 02.03.2024 in CC.NO.5828 of 2019.

For petitioner : Mr.Nithyesh Nataraj
for Vaibhav Rangarajan Venkatesh

ORDER

This criminal original petition has been filed for a direction to the Trial Court to recall the Non Bailable Warrant issued against the petitioner on 02.03.2024 in CC.No.5828 of 2019.

2.The petitioner was convicted for the offences under Section 138 of the Negotiable Instruments Act, 1881 by the Trial Court and was sentenced to undergo six (6) months simple imprisonment and to pay the compensation and in default, undergo two (2) months simple imprisonment.



3.Since the petitioner was not present before the Court below on the date of the judgment, Non Bailable Warrant was issued against the petitioner.

4.It is under these circumstances, the present petition was filed before this Court seeking for recalling the Non Bailable Warrant.

5.When the matter came up for hearing on 08.03.2024, this Court informed the learned counsel for the petitioner that there is no question of directing the Trial Court to recall the Non Bailable Warrant and it will be more appropriate if the petitioner files a Criminal Appeal before the concerned Court questioning the judgment of the Trial Court and file a Bail petition. The case was adjourned and it was posted for hearing today.

6.When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that Criminal Appeal has been filed before the learned Principal Sessions Judge, Chennai and it has been numbered as Crl.A.No.193 of 2024.



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7. In the light of the above development, taking into consideration the facts and circumstances of the case, this original petition is disposed of with the following terms:

- (a) the petitioner is directed to surrender before the Principal Sessions Court, Chennai on or before 18.03.2024 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 C.C.No.5828 of 2019;
- (c) the Principal Sessions Judge, Chennai 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
- (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



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shall make the petitioner to undergo the sentence imposed by the trial Court.

8. Accordingly, the Criminal Original Petition is disposed of with the above terms. Consequently, the connected Miscellaneous Petition is closed.

13.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

NOTE: Issue order copy on 14.03.2024.

To

1. The Principal Sessions Judge,
Chennai.
2. The Fast Track Court-II, Egmore,
Allikulam, Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

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