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Crl.O.P. No.6939 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.03.2024

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.6939 of 2024

N.Yuvaraj

.. Petitioner

Vs.

M/s.Shri Balaji Agencies
Rep. By its proprietor P.Senthilkumar
No.27, Elumalai Street,
Ayanavaram, Chennai 600 023

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set-aside the order passed by the Hon'ble Principal Sessions Judge in Crl MP No.31281 of 2023 in Crl A No.766 of 2023 dated 07.12.2023 and suspend the sentence of the petitioner against the conviction order passed in CC No.1087 of 2018 on the file of the Metropolitan Magistrate, FTC II, Egmore @ Allikulam dated 09.06.2023.

For Petitioner : Mr.R.Krishna Kumar

ORDER

This petition has been filed challenging the order passed by the Court below in Crl MP No.31281 of 2023, dismissing the application seeking



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for suspension of sentence pending in Crl.A.No.766 of 2023.

WEB COPY 2. Heard Mr.R.Krishna Kumar, 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 and he was sentenced to undergo six months simple imprisonment. The Trial Court had suspended the sentence till 07.07.2023. Aggrieved by the same, the petitioner filed an appeal in C.A.No.766 of 2023 on the file of Principal Sessions Judge, Chennai. The petitioner also filed an application seeking for suspension of sentence. The Court below had dismissed the application mainly on the ground that the petitioner has not surrendered before the Court and once conviction warrant has been issued, the sentence cannot be suspended by the trial Court as well as the appellate Court. Aggrieved by the same, the present petition has been filed before this Court.

4. Taking into consideration the facts and circumstances of the



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case, this Court is inclined to dispose of this petition in the following terms:

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(a) the petitioner is directed to surrender before the learned

Principal Sessions Judge, Chennai, on or before 01.04.2024;

(b) the petitioner, at the time of surrender, shall also move an

application seeking for bail before the Principal Sessions

Judge, Chennai,.

(c) The Principal Sessions Judge, Chennai, shall pass orders in

the bail application by imposing necessary conditions.

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

25.03.2024

Note: Issue order copy by 26.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Principal District Sessions Judge
Chennai.
2. Metropolitan Magistrate, FTC II, Egmore @ Allikulam.
3. The Public prosecutor, High Court, Madras



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N.ANAND VENKATESH.,J
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