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Crl.O.P. No.6816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2024

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.6816 of 2024

Jaijothi Annadurai

.. Petitioner

Vs.

M/s.Oracle A1 Systems Private Limited
Rep. By its director Dr.Kancherla Pruthvinath
S/o. Of Dr.Kancherla Ravindranath
Villa D3, Amara Anantha, No.3 /620
MGR Salai (ECR) Palavakam , Chennai 600 041

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set-aside the dismissal order dated 12.03.2024 in Crl MP No.7770/2024 in Crl A No.186 of 2024 on the file of the Hon'ble Principle District and sessions Judge, Chennai.

For Petitioner : Mr.K.Ashok Kumar

ORDER

This Criminal Original Petition has been filed challenging the



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order passed by the Court below in Crl MP No.7770/2024 in Crl A No.186 of 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 Metropolitan Magistrate, FTC V, Saidapet, Chennai, through judgment dated 31.01.2024 and was sentenced to undergo eight months simple imprisonment and to pay the cheque amount of Rs.44,00,000/- to the complainant as compensation within 30 days, in default, to undergo three months simple imprisonment. On the date of judgment, the petitioner was absent and hence, non-bailable warrant was issued against him. Aggrieved by the same, the petitioner filed an appeal in C.A.No.186 of 2024 on the file of Principal District and 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.



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

4. Learned counsel for petitioner submits that the case has been made over to XIX Additional District and Sessions Judge at Chennai.

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 XIX Additional District and Sessions Judge at Chennai on or before 25.03.2024 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.3626 of 2022;
- (c) the XIX Additional District and Sessions Judge at 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



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imposing necessary conditions; and

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(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.

20.03.2024

Note: Issue order copy by 21.03.2024

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. The XIX Additional District and Sessions Judge at Chennai
Chennai.

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The matter was posted under the caption 'For Being Mentioned' today, on the ground that there are inadvertent mistake that have crept in the date of the order counsel for the petitioner in the appearance portion had been wrongly typed in the cause title portion and also at Paragraph No.2 of the order. Therefore, order date shall be replaced as '20.03.2024' instead of '15.03.2024' and the name of the counsel in the appearance portion shall be replaced as 'Ms.Haritha' instead of 'Mr.K.Ashok Kumar' and paragraph No.2 of the order dated 20.03.2024, shall be replaced as follows:

2. The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai, through judgment dated 31.01.2024 and was sentenced to undergo eight months simple imprisonment and to pay the cheque amount of Rs.44,00,000/- to the complainant as compensation within 30 days, in default, to undergo three months simple imprisonment. On the date of judgment, the petitioner was absent and hence, non-bailable warrant was issued against



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2.The Registry is directed to carry out the necessary corrections in the order and issue fresh order copy.

18.04.2024

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