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Crl.O.P No.7002 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.7002 of 2024

R.Shamsudeen
S/o.Rajendran

... Petitioner

vs.

S.Karthik
S/o.Srinivasan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Principal Sessions Judge, Chennai dated 04.03.2024 in Crl.M.P.No.6940 of 2024 in C.A.No.176 of 2024 and allow the above Criminal Original Petition.

For Petitioner : Mr.V.Sairam

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below in Crl.M.P.No.6940 of 2024 in C.A.No.176 of 2024, dated 04.03.2024, dismissing the application filed by the petitioner



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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 03.02.2024 and was sentenced to undergo six months simple imprisonment and to pay the cheque amount of Rs.3,00,000/- to the complainant as compensation, 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.176 of 2024 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.

3. This Court carefully considered the submissions made by



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learned counsel for petitioner and the materials available on record.

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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, Chennai, on or before 01.04.2024 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.242 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



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N. ANAND VENKATESH, J.
gm

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

25.03.2024

Note: Issue order copy by 27.03.2024

Index : Yes/No
Neutral citation: Yes/No
Speaking Order/Non-Speaking Order
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To

1. The Principal Sessions Judge,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Madras.

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