



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.7393 of 2024

D.Rajendran

...Petitioner

Vs

NKC Finance Private Ltd.,
Represented by its Manager Mr.Ramanathan
Flat No.30C/2, Sakthi Apartments,
15th Street, K-Block, Anna Nagar East,
Chennai – 600 102.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the Principal District Judge, Chennai, in Crl.M.P.No.8582 of 2024 in Crl.A.No.219 of 2024, dated 18.03.2024.

For Petitioner : Mr.A.T.Anbu Kumar

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in Crl.M.P.No.8582 of 2024, dated 18.03.2024, dismissing the



application filed by the petitioner seeking for suspension of sentence pending the appeal in CrI.A.No.219 of 2024.

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

3.The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act by the learned XXC Metropolitan Magistrate, Egmore, Chennai by judgment dated 16.02.2024. The petitioner was sentenced to undergo one year simple imprisonment and to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) as compensation and in default to undergo one month simple imprisonment. The Trial Court suspended the sentence till 14.03.2024.

4.The petitioner aggrieved by the judgment passed by the Trial Court filed an appeal before the Court below in CrI.A.No.219 of 2024. Along with this appeal, the petitioner also filed an application for suspension of sentence. The Court below declined to entertain this application on the ground that the period for which the sentence was suspended by the Trial Court had expired. Therefore, the Court



below refused to entertain the application for suspension of sentence. Aggrieved by this order, the present criminal original petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case, this criminal original petition is disposed of with the following directions:

(a) The petitioner is directed to surrender before the Ist Additional Sessions Judge, City Civil Court, Chennai on or before 03.04.2024 and file a bail application.

(b) The Ist Additional Sessions Judge, City Civil Court shall grant interim bail to the petitioner subject to the condition that the petitioner deposits 20% of the compensation amount within a period of 60 days thereafter.

(c) If the petitioner deposits the compensation amount within the time frame fixed by the Court below, the bail order shall be made absolute by imposing necessary conditions, and



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SSR

(d)If the petitioner fails to deposit the compensation amount within the time frame fixed, the Court below shall cancel the interim bail and secure the petitioner to undergo the sentence.

27.03.2024

Index : Yes/No

Speaking order: Yes/No

ssr

Note:Issue Order Copy on 28.03.2024

To

1.The Principal District Judge, Chennai.

2.The Public Prosecutor,
High Court, Madras.

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