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Crl.O.P.No.11358 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2024

CORAM

THE HONOURABLE MR.JUSTICE **K. KUMARESH BABU**

Crl.O.P.No.11358 of 2024

Sathya ... Petitioner/ Appellant / Accused

Vs.

1. Kadhar Mohideen
2. State rep. by its
Inspector of Police,
V6 Kolathur Police Station,
Chennai. ... Respondents/ Respondents/ Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the Order passed by the Principal Sessions Judge, Chennai in Crl.M.P. No.12824 of 2024 dated 25.04.2024 made in C.A.No.327 of 2024.

For Petitioner : M/s. R. Rajan
For Respondents : Mr. L. Baskaran
Government Advocate (Crl.Side)

ORDER



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This Criminal Original petition has been filed to set aside the Order passed by the Principal Sessions Judge, Chennai in Crl.M.P. No.12824 of 2024 dated 25.04.2024 made in C.A.No.327 of 2024.

2. This petition has been filed challenging the Order passed by the lower Appellate Court in refusing to suspend the sentence for the reason that the petitioner was not present neither during the sentence passed by the Trial Court nor filed any application to seek suspension of the sentence before the Trial Court. In spite of sentence has been passed against her, she has not come forward to surrender. However, the learned counsel appearing for the petitioner by producing certain payment references regarding the repayment of cheque amount, which has been made through UPI in favour of the respondent complainant to a value of Rs.2,25,000/- and submitted that the major portion of the cheque amount had been paid to the complainant and only for that reason, she had not surrender and it was also promised by the complainant that he would not press the complaint against the petitioner. However, the Trial Court by Order dated 26.03.2024 had passed the sentence of simple imprisonment against the petitioner.



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3. In view of the above, since the major portion of the amount had been paid by the petitioner to the respondent, the Order of the Trial Court made in STC No.2385 of 2023 on the file of the XXV Metropolitan Magistrate, Egmore, Chennai, imposing the punishment of simple imprisonment of three months and to pay the cheque amount of Rs.3,50,000/- as compensation to the complainant can be suspended.

4. Accordingly, this criminal original petition is allowed and the substantial sentence imposed on the petitioner is suspended and the petitioner is also directed to be enlarged on bail, taking into consideration that the major portion of cheque amount is already been made.

09.05.2024

Neutral Citation : Yes/No
stn

K. KUMARESH BABU, J.

stn



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To

1. The Principal Sessions Judge,
Court of Sessions at Chennai.
2. The XXV Metropolitan Magistrate,
Egmore, Chennai.
3. The Inspector of Police,
V6 Kolathur Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

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