



Crl.O.P.No.11294 of 2023

In the High Court of Judicature at Madras

Dated : 11.1.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.11294 of 2023

Mr.D.Suresh

...Petitioner

Vs

Mr.D.Stalin Antony Raj

...Respondent

PETITION under Section 482 of the Criminal Procedure Code praying to call for the records and set aside the order dated 23.3.2023 made in Crl.M.P.No.1663 of 2023 in C.A.No.40 of 2023 before the Principal District & Sessions Judge, Chengalpattu.

For Petitioner : Mr.R.Sankarakutralingam

ORDER

This is a petition filed by the petitioner challenging the order dated 23.3.2023 passed by the Principal District & Sessions Court, Chengalpattu (for short, the Court below) in Crl.M.P.No.1663 of 2023 in Crl.A.No.40 of 2023 dismissing the petition filed by the petitioner for suspension of sentence pending criminal appeal.

2. Heard the learned counsel for the petitioner and perused the



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materials available on record.

3. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act by the Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur by judgment dated 19.12.2022 in C.C.No.157 of 2019 and sentenced to undergo one year simple imprisonment and to pay a fine amount of Rs.11,08,000/- and in default, to undergo further two months simple imprisonment. Aggrieved by the judgment of the Trial Court, the petitioner filed an appeal before the Court below in Crl.A.No.40 of 2023. Along with the appeal, the petitioner also filed Crl.M.P.No.1663 of 2023 seeking suspension of sentence. However, it was dismissed by the Court below by the impugned order.

4. The Trial Court suspended the sentence till 18.12.2023. However, the petitioner did not appear before the Court below nor there was any representation on the side the petitioner. Hence, by the impugned order, the Court below dismissed the petition filed by the petitioner seeking suspension of sentence. Challenging the same, the petitioner is before this Court.



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5. Taking into consideration the facts and circumstances of the case and the materials available on record, this Court is inclined to dispose of this petition with the following directions :

"(a) The petitioner shall surrender before the Court below on or before 22.1.2024 and file a bail petition;

(b) The Court below shall grant interim bail to the petitioner and impose a condition that he should deposit a sum of Rs.2,50,000/- (Rupees two lakhs and fifty thousand only) before the Trial Court within a period of 30 days;

(c) If the petitioner deposits the said sum, the Court below shall make the bail order absolute by imposing necessary conditions; and

(d) If the petitioner fails to deposit the said sum before the Trial Court, the Court below shall cancel the bail and secure the petitioner to undergo the sentence imposed by the Trial Court."



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6. With the above directions, the Criminal Original Petition stands disposed of.

11.1.2024

To

1.The Principal District & Sessions
Court, Chengalpattu.

2.The Judicial Magistrate,
Fast Track Court, Alandur.

3.The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH,J

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