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CrI.O.P.No.16531 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16531 of 2024

1. Bhavani Traders,
Represented by its Authorised Signatory MR.Baskar A.R.
No:01,Swami Nagar,
Kovil Pathagai Main Road,
Avadi, Chennai-600 062.

2. Mr.Baskar A.R.
Proprietor of Bhavani Traders,
No:3 /33,Kannaki Street, Prem Nagar,
Pozhichalur, Chennai-600 074

... Petitioners

/versus/

M/S.Vel Ventures,
Rep by its Partners of Mr.Prayul K.Jain,
Having Office at 15,Vasu Street,2nd Floor,
Kilpauk,
Chennai-600 010.

Represented by its Power agent
Mr.Prakash V Bhatt

... Respondent

Prayer: Criminal Original Petition is filed under Section 583 & 482 of BNSS, to set aside the order dated 22.05.2024 made in CrI.M.P.No.14337 of 2024 in CrI.A.No.393 of 2024 passed by the Learned XVI Additional Sessions Judge, Chennai and suspend the order of sentence passed by the Learned XXVI Metropolitan Magistrate Court, Egmore, Chennai – 600 008 by a judgment on 23.04.2024 in C.C.No.4616 of 2023.



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For Petitioner : Mr.S.Sathish Rajan

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ORDER

The petitioner herein is an accused in S.T.C.No.4616 of 2023 on the file of XXVI Metropolitan Magistrate, Egmore, Chennai. He was found guilty and sentenced to undergo six months S.I and pay compensation of Rs.8,18,000/-. On the day of judgment, the petitioner did not appeared before the Court. Hence, warrant was issued.

2. Being aggrieved by the judgment of conviction and sentence, the petitioner preferred appeal and the same was taken on file by the Session Court, Chennai in CrI.A.No.393 of 2024. When the petitioner seeks for suspension of sentence, same was dismissed by the Court and hence, the present Criminal Original Petition is filed.

3. The Learned Counsel for the petitioner submits that he was not able to present before the Court on the date of judgment and he has good chance of acquittal in the appeal. To show his bonafide, the petitioner has drawn demand draft of Rs.1,63,600/- dated 20.09.2024 drawn in favour of



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Metropolitan Magistrate, XXVI, MM Court, Egmore, Chennai on the account of STC.No.4616 of 2023. This amount is 20% of the compensation amount.

The said amount is substantially pleads the requirement of Section 148 of N.I Act.

4. Hence, this Court grant suspension of sentence imposed by the trial Court in S.T.C.No.4616 of 2023 till the disposal of Criminal Appeal No.393 of 2023 on the following conditions:-

(i). The petitioner shall deposit the demand draft of Rs.1,63,600/- before the XXVI Metropolitan Magistrate Court, Egmore, Chennai, within a period of seven days, from the date of receipt of copy of this order.

(ii). The petitioner shall execute bond for a sum of Rs.25,000/- with two sureties of like sum each to the satisfaction of the Court.

(iii). The petitioner shall report before the XVI Additional Sessions Judge, Court on every hearings dates till the disposal of the appeal.



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5. With the above observations, this Criminal Original Petition is disposed of.

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Index : Yes/No.

Neutral Citation : Yes/No.

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To:-

1. The Learned XVI Additional Sessions Judge, Chennai.
2. The XXVI Metropolitan Magistrate Court, Egmore, Chennai



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Dr.G.JAYACHANDRAN, J.

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