



Crl.O.P.No.12873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Crl.O.P.No.12873 of 2024

Mr.T.Mahaveer,
Proprietor,
M/s.Kingston Garments,
No.54, Floor Kuppumuthu Street,
Triplicane, Chennai – 600 005.

... Petitioner

Vs.

Mr.T.Balaji

...Respondent

Prayer: Criminal Original Petition filed 482 of the Criminal Procedure Code, 1973, to set aside the dismissal order dated 05.04.2024, passed by the learned Principal Sessions Judge, (Full Additional Charge), Chennai, in Crl.M.P.No.10861 of 2024 in Crl.A.No.270 of 2024.



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For Petitioner : Mr.R.Dinesh Kumar

For Respondent : Mr.S.Karthik for
Mr.Suresh Sampath

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below in Crl.M.P.No.10861 of 2024 in Crl.A.No.270 of 2024 dated 05.04.2024 dismissing the application filed by the petitioner seeking for suspension of sentence pending disposal of the appeal.

2. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, Fast Track Court No.1 (Full Additional Charge) Egmore @ Allikulam, Chennai-15, through the judgement dated 05.03.2024 and sentenced to under simple imprisonment for a period of six months and to pay the cheque amount of Rs.8,00,000/- as compensation to the complainant within 30 days from the date of the judgement, in default, to undergo two months simple imprisonment.



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3. Aggrieved by the same, the petitioner filed an appeal in C.A.No.270 of 2024 on the file of the Principal Sessions Judge, (Full Additional Charge), Chennai, along with the application seeking for suspension of sentence. The First Appellate Court dismissed the application for suspension of the sentence mainly on the ground that the time for surrender expired on 03.04.2024 and it appears that the petitioner has filed the application for suspension of sentence on 03.04.2024 and the same was returned for compliance of certain defects and represented on 04.04.2024. The petitioner has not surrendered before the Court within the time for surrender.

4. Heard the arguments of the learned counsel for the the respondent and perused the connected papers.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to set aside the order passed by the learned Sessions Judge and suspend the sentence imposed on the petitioner in



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C.C.No.67 of 2021 subject to the condition that the petitioner shall deposit a sum of Rs.2,00,000/- to the credit of C.C.No.67 of 2021, on the file of Metropolitan Magistrate, Fast Track Court No.1 (Full Additional Charge) Egmore @ Allikulam, Chennai-15, within a period of four (4) weeks from today.

6. With the above directions, this Criminal Original Petition stands ordered.

30.05.2024

Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal Sessions Judge,
(Full Additional Charge), Chennai.
2. Metropolitan Magistrate,
Fast Track Court No.1
(Full Additional Charge) Egmore
@ Allikulam, Chennai-15



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S.SOUNTHAR, J.
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