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Crl.O.P.15097 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.15097 of 2024

V. Priya

.... Petitioner

Versus

N.Viruthambal

.... Respondent

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the order of the learned Vacation Sessions Judge/XXIII Additional Sessions Judge, Chennai, passed in Crl.M.P.No.13728 of 2024 in Crl.A.No.357 of 2024 dated 08.05.2024.

For Petitioner : Mr.S.V.Karthikeyan

ORDER

The petitioner herein, who is the accused was found guilty by the trial Court in C.C.No.3680 of 2019 for issuance of cheque without fund, was sentenced to undergo six months simple imprisonment and to pay a sum



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of Rs.5,00,000/- as compensation, in default, to undergo two months simple imprisonment.

2. After getting suspension of sentence from the trial Court, the petitioner has moved the Appellate Court and filed an application for suspension of sentence. Since the time to surrender got lapsed, the Lower Appellate Court has not entertained the application for suspension of sentence. Hence, the present Criminal Original Petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner herein has genuinely pursuing his appeal and filed the application for suspension of sentence within a period of limitation. Due to intervening vacation, the application cannot be taken up and by the time, it was taken up for consideration by the Appellate Court, time for suspension of sentence got lapsed and therefore, the Lower Appellate Court declined to entertain the application. To show the *bone fide*, the learned counsel also submitted that 20% of the compensation amount will be deposited in the account of Metropolitan Magistrate, FTC-II, Egmore. To comply the said undertaking,



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the matter was adjourned.

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4. Today when the matter is taken up for consideration, the learned counsel produced a Manager's Cheque for a sum of Rs.1,00,000/- drawn at HDFC Bank, Kovur, Kanchipuram.

5. Taking note of the above-fact, this Criminal Original Petition is allowed directing the petitioner to surrender before the Lower Appellate Court and produce the Manager's Cheque and seek for suspension of sentence. The cheque shall be deposited before the Metropolitan Magistrate Court and surety to be furnished before the Metropolitan Magistrate subject to the satisfaction as per the order to be passed by the Sessions Court in the application filed for suspension of sentence.

01.07.2024

Note: Issue order copy on 02.07.2024

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DR.G. JAYACHANDRAN, J.

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To

The Sessions Judge/XXIII Additional Sessions Judge,
Chennai.

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Crl.M.P.No.8911 of 2024
in Crl.O.P.SR.No.30628 of 2024

DR.G. JAYACHANDRAN, J.

Dispensed with for the present.

01.07.2024

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