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Crl.O.P.No.20854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.20854 of 2024

Latesh Kumar Shriramji Kalambe

... Petitioner

Vs.

M/s.Green Malabar Finance Ventures Limited

Represented by its Director

Mr.Suresh Gurumani

Awifs Space Solutions Primus Building

Door No.SP-7A, Room No.207, 2nd Floor

Guindy Industrial Estate

Chennai – 600 032.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS pleaded to set aside the impugned order passed by the learned XIX Additional Sessions Judge, City Civil Court, Chennai in Crl.M.P.No.14615 of 2024 in Crl.A.No.407 of 2024 dated 29.07.2024.

For Petitioner : Mr.A.Ashvathaman

ORDER

The petitioner was held guilty of the offence under Section 138 of Negotiable Instruments Act, 1881 by the learned Metropolitan



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Magistrate, Fast Track Court-II, Egmore, Chennai in S.T.C.No.10543 of 2022 on 25.04.2024 and he was sentenced for a period of six months simple imprisonment and to pay compensation of Rs.32,90,935/-. On the date of judgment, the petitioner was absent and hence, warrant was issued against him. The petitioner has filed an appeal against the said judgment before the learned XIX Additional Sessions Judge, City Civil Court, Chennai in CrI.A.No.407 of 2024 and along with the said appeal, he filed miscellaneous petition in CrI.M.P.No.14615 of 2024 for suspension of sentence. The lower appellate Court dismissed the petition for suspension of sentence, stating that warrant is pending against the petitioner/accused and hence, the accused should have surrendered before the Court and file a petition for suspension of sentence. Being aggrieved by the said order, the present criminal original petition is filed.

2. Learned counsel for the petitioner states that the petitioner is now ready to surrender before the Court concerned and seek for suspension of sentence, however, he apprehends that he may be remanded to prison and hence, he seeks appropriate direction from this Court. The learned counsel further states that the petitioner is now ready to deposit the amount that will be prescribed by this Court to get a



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direction for setting aside the dismissal order passed by the lower appellate Court.

3. Considering the facts and circumstances, this Criminal Original Petition is disposed of, directing the petitioner herein to deposit 20% of the compensation amount before the trial Court in S.T.C.No.10543 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai and thereafter, surrender before the lower appellate Court along with the petition for suspension of sentence. If the condition of depositing 20% of the compensation amount is complied with, the lower Appellate Court shall consider the petition for suspension of sentence in accordance with law and pass appropriate orders on the same day of surrender.

29.08.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The XIX Additional Sessions Judge,
City Civil Court, Chennai.
- 2.The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore at Allikulam,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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