



WEB COPY



Crl. O.P. No. 21764 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No. 21764 of 2024

P. Senthilkumaran

.. Petitioner

Vs.

N. Saravanan @ Saravanan Nachiappan

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to call for the records and set aside the order dated 31.07.2024 on the file of Principal and Sessions Judge, City Civil Court, Chennai in Crl. M.P. No. 21240 of 2024 in Crl. A. No. 544 of 2024.

For Petitioner : Mr. G.V. Sridharan

ORDER

The petitioner herein is an accused in S.T.C.No.1394 of 2023 pending on the file of XXV Metropolitan Magistrate Court, Egmore, Chennai.



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2. The petitioner was convicted on 28.06.2024 for offence under Section 138 of Negotiable Instruments Act and sentenced to undergo four months simple imprisonment and to pay the cheque amount of Rs.6,00,000/- as compensation to the complainant. On the date of judgment, the petitioner was not present. Therefore, he was secured subsequently on the execution of the warrant.

3. In the meanwhile, the petitioner has preferred an appeal before the Court of Sessions at Chennai and his appeal has taken on file in C.A.No.544 of 2024. His application for suspension of sentence in Crl.MP.No.21240 of 2024 was dismissed on the ground that he has not come forward to surrender himself after the conviction. Hence, sentence cannot be suspended. After dismissal of his application for suspension of sentence on 31.07.2024, the petitioner been secured and committed to prison, now the petitioner is in prison.

4. The learned counsel for the petitioner states that the petitioner is ready to abide any conditions that he may be granted bail pending disposal of the appeal.



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5. On considering the submissions made by both counsel and perusal of the records, this Criminal Original Petition is disposed of with the following directions:

i) the petitioner herein shall deposit a sum of Rs.1,20,000/- in the S.T.C account and thereafter seek for bail before the lower Appellate Court.

ii) on such deposit, the bail application to be considered in accordance with law and disposed of by imposing necessary conditions to ensure the presence of the appellant during the hearing dates of the appeal.

05.09.2024

Vv

To

1. The Principal and Sessions Judge,
City Civil Court, Chennai.
2. The Metropolitan Magistrate Court-XXV,
Egmore, Chennai
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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