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Crl. O.P.No.22377 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.22377 of 2024

Joseph R.K.Selvaratnam

.. Petitioner

Vs.

Kushal Kumari

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to set aside the order passed by the learned Sessions Court at Chennai in Crl.MP.No.24102 of 2024 in Crl.A.No.640 of 2024 dated 28.08.2024.

For Petitioner : Mr.T.Saranya

ORDER

The petitioner herein is the accused in S.T.C.No.539 of 2022 filed for offence under Section 138 of Negotiable Instruments Act. The trial Court find guilty and sentenced to undergo simple imprisonment for two months to the accused and to pay compensation of Rs.1,50,000/- along with 3% interest per annum from the date of judgement.

2. Being aggrieved by the conviction and sentence, the petitioner



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has preferred the appeal with delay of four days along with application for suspension of sentence. The lower Appellate Court has dismissed the application for suspension of sentence on the ground that the period of suspension of sentence granted by the trial Court was expired and warrant is pending against the accused. Therefore, he has to surrender before the Court and file petition for suspension of sentence. Being aggrieved by the above said order, the present petition is filed.

3. The petitioner to prove his bonafide, has drawn a demand draft bearing No.000157 dated 19.09.2024 for a sum of Rs.30,000/-, being 20% of the cheque amount and seeks for suspension of suspension. Pending disposal of the appeal in C.A.No.640 of 2024 on the file of Principal Sessions Court, Chennai.

4. On considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with the following conditions:

***i) The petitioner shall deposit a sum of Rs.30,000/-
in the account of S.T.C.No.539 of 2022 on the file of
learned Metropolitan Magistrate Fast Track Court-IV,
George Town Chennai.***

ii) The petitioner shall deposit the demand draft



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within a period of 15 days from today.

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iii) On such deposit of demand draft, the petitioner shall surrender before the lower Appellate Court and seeks for suspension of sentence.

5. The lower Appellate Court shall consider the application for suspension of sentence on the same day by taking note of the fact that the petitioner has deposited 20% of the cheque amount.

6. With the above conditions, this Criminal Original Petition is disposed of.

18.10.2024

Vv

To

1. The Principal Sessions Court, Chennai
2. The Metropolitan Magistrate Fast Track Court-IV,
George Town Chennai
3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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