



Crl.OP.No.22713 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.OP.No.22713 of 2024

Mrs. Oveyam Ranjan

... Petitioner

Vs.

M.Bala

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of CRPC to set aside the order of suspension the sentence in Crl.M.P.No.3935 of 2024 in C.C.No.6678 of 2019 dated 09.08.2024 passed by the Honble XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai-3 and enlarge the petitioner on bail during pending disposal of the above Criminal Revision and thus render justice.

For Petitioner : M/s.M.Gnanasekar



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ORDER

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This petition has been filed to set aside the order of suspension of sentence in Crl.M.P.No.3935 of 2024 in C.C.No.6678 of 2019 dated 09.08.2024 passed by the Hon'ble XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai and enlarge the petitioner on bail during pending disposal of the above Criminal Revision.

2. The petitioner who is the accused in CC.No.6688 of 2019 in a private complaint filed under Section 138 of the Negotiable Instruments Act by the respondent was convicted by the Trial Court by judgement dated 09.08.2024 and sentenced to undergo two years simple imprisonment and to pay the cheque amount of Rs.5,00,000/- as a compensation within a period of 8 weeks.

3. The contention of the petitioner is that, on the conviction, the petitioner had filed a petition under Section 389(3) of Cr.P.C. for suspension of sentence in Crl.M.P.No.3935 of 2024. The Trial Court by order dated 09.08.2024 suspended the sentence of the petitioner till the appeal period of 30 days. The Trial Court also directed the petitioner to produce the order of



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the Appellate Court on or before 06.09.2024. Against which the present revision has been filed.

4. The learned counsel for the petitioner submitted that the petitioner had already preferred an appeal and also filed a petition under Section 389(1) Cr.P.C. seeking suspension of sentence. His only apprehension is that since the Trial Court had directed the petitioner to produce the order of the Appellate Court on or before 06.09.2024, within that period the same cannot be obtained. In view of the same, the petitioner's suspension of sentence may not be entertained. Hence, the present petition has been filed.

5. Considering the submission that the petitioner had already preferred an appeal on 06.09.2024 and he had also filed a petition seeking suspension of sentence under Section 389(1) Cr.P.C., the same to be considered.

6. The Appellate Court is directed to independently consider the petitioner's appeal and the suspension of sentence on its own merits and the date mentioned by the Trial Court directing the petitioner to produce the Appellate Court's order on or before 06.09.2024 will have no consequence



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since the petitioner had already appealed to the Court of Sessions. It is for the Court of Sessions to pass orders on its own merits. It is made clear that the Sessions Court shall not raise any objection regarding the date mentioned in the Trial Court's order (i.e., 06.09.2024).

7. With the above directions, the Criminal Original Petition is disposed of. No costs.

18.09.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(shr)

Note: Issue order copy today i.e. on 18.09.2024.

To

1.The XIX Metropolitan Magistrate,
Egmore @ Allikulam, Chennai



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M.NIRMAL KUMAR, J.,

(shr)

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