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CrI.O.P.No.24085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.24085 of 2024

Ashok Kumar

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
F-2, Police Station,
Egmore,
Chennai- 600008

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./ 528 BNSS, pleaded to set-aside the order dated 20.09.2024 passed by the Hon'ble Principal Sessions Court, Chennai in CrI.M.P.No.26498 of 2024 in CrI.A.No.701 of 2024 and to grant suspension of sentence pending the above said appeal on the file of Hon'ble Principal Sessions Court, Chennai

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed for suspension of sentence pending appeal dismissed by the lower appellate Court on the ground that the suspension of sentence by the trial Court under Section 389(3)



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Cr.P.C., expired on 17.09.2024 and therefore, the lower appellate Court had recorded that the warrant is pending against the accused. Therefore, he has to surrender before the Court and seek for suspension of sentence, in other words, the lower appellate Court is not inclined to entertain suspension of sentence without appearance of the accused.

2. In the said circumstances, this Criminal Original Petition is disposed of with direction to the petitioner herein to surrender before the lower appellate Court and seek for suspension of sentence. If any such application is filed, the lower appellate Court shall consider it in accordance with law and pass appropriate orders, on the same day of his surrender.

30.09.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Principal Sessions Court, Chennai

2.The Inspector of Police,
F-2, Police Station,
Egmore,
Chennai- 600008



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3. The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



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