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CrI.O.P.No.24395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

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

CrI.O.P.No.24395 of 2024

L.Darwin @ Sahaya Darvin

... Petitioner

Vs.

P.Rajesh

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, pleaded to set aside the order dated 19.07.2024 passed by the Principal Sessions Judge, Chennai in CrI.M.P.No.19638 of 2024 in CrI.Appeal No.505 of 2024.

For Petitioner : Mr.S.Vijayakumar

ORDER

The petitioner herein failed to appear before the trial Court on the date of Judgment. He was found guilty and sentenced to undergo 6 months Simple Imprisonment and to pay the cheque amount of Rs.8 lakhs as compensation. Warrant to secure the petitioner is also issued. In the said circumstances, the petitioner has preferred appeal against the judgment of conviction and the same was taken on file in C.A.No.505 of 2024. However, his application to suspend the sentence was dismissed on



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the ground that the petitioner is absconding and he must surrender before the trial Court and seek for suspension of sentence. The above said order passed by the Principal Sessions Judge, dated 19.07.2024 is under challenge.

2. The learned counsel appearing for the petitioner states that on the date of judgment, the petitioner was unable to attend the Court, since he being the fisherman, he was in sea in view of avocation. Though the appeal was filed in time, he is unable to surrender himself to get suspension of sentence.

3. Considering the fact that the cheque bounce case pending for more than two years, on the date of Judgment, the petitioner failed to attend the Court. To ensure his participation in the appeal, he shall deposit 20% of the compensation amount before the trial Court on or before 18.10.2024 and surrender. If any application for suspension of sentence after complying the above condition is filed, the surrender application is to be considered on the same day and appropriate order shall be passed.

4. With the above observations, this Criminal Original Petition



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is disposed of .

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Index : Yes/No

Neutral Citation : Yes/No

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To

The Principal Sessions Judge, Chennai

Dr.G.JAYACHANDRAN,J.

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