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Crl.OP.No.27065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.27065 of 2024
and Crl MP No.14998 of 2024

G.Senthil
Proprietor,
M/s.MGS Fruits,
T/F/15, Anna Fruit Market,
Koyambedu, Chennai 600 092.

... Petitioner

Vs.

M/s. Samunnati Agro Solutions Pvt. Ltd.,
Rep. by its Power-Agent,
Mr.K.Amudan
Baid Hi Teck Park, No.129-B, 8th Floor,
East Coast Road, Thiruvananthapuram,
Chennai 6000 041.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita 2023, praying to allow the Criminal Original Petition by setting aside the order of dismissal dated 23.09.2024 passed in Cr. MP No.26822/2024 in Crl. A.No.709/2024, on the file of the Principal Sessions Court at Chennai.

For Petitioner : Mr.R.Thajan



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ORDER

The petitioner herein was found on guilty by the Trial Court in respect of the offence under Section 138 of the Negotiable Instrument Act, and sentenced to undergo 5 months simple imprisonment and compensation of Rs.32,36,620/-. The application for suspension of sentence was dismissed by the Lower Appellate Court, since it was taken up for consideration after the expiry of 30 days initial suspension granted by the trial Court.

2. The Lower Appellate Court has directed the petitioner to surrender before Court and then seek for suspension of sentence. The learned counsel appearing for the petitioner submits that the petitioner is ready to deposit 20% of the compensation amount pending disposal of the Appeal and seek for indulgence of this Court to consider the application for suspension of sentence.

3. The judgment of conviction and sentence was passed by the Trial Court on 14.08.2024, and application for suspension of sentence was dismissed by the Lower Appellate Court on 23.09.2024. The



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petitioner has come forward to deposit 20% of the compensation amount.

Therefore, this Court is setting aside the order passed by the Lower Appellate Court in Crl MP No.26822 of 2024, dated 23.09.2024. The petitioner is directed to surrender before the Lower Appellate Court and seek for suspension of sentence by depositing 20% of the compensation amount and on such deposit, the Lower Appellate Court shall consider his petition filed for suspension of sentence on merits and pass appropriate orders. Two week's time is granted from today for surrender and to deposit 20% of the compensation amount.

4. With the above direction, the Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

29.10.2024

Index: Yes/No
Internet: Yes/No
jv



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1. The Principal Sessions Court,
Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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