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Crl.O.P.Nos.26820 & 26823 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

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

Crl.O.P.Nos.26820 & 26823 of 2024

K. Sakthi Murugan,
Proprietor Shy Luxury India Services INC ... Petitioner in both cases

Vs.

M.P. Prasanth Kumar,
Proprietor,
M/s. Nugan Aircon Engineering's ... Respondent in both cases

Common Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to set aside the Order passed by the Learned Principal Session Judge at Chennai in Crl. M.P.Nos.26978 & 26976 of 2024 in C.A.Nos 714 & 713 of 2024 dated: 24.09.2024 and enlarge the Petitioner on bail

For Petitioner in both cases : Mr.A.Rajaraman

COMMON ORDER

The petitioner herein, who failed to appear before the trial Court on the date of judgment, was found guilty for offence under Section 138 of N.I.Act and warrant issued. In the said circumstances, he has preferred the appeal before the Principal Sessions Court and sought for suspension of sentence. The lower appellate Court dismissed his application for



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suspension of sentence stating that without surrender and recall of the conviction warrant, application for suspension of sentence cannot be entertained and pointed out that the remedy available to the petitioner is to surrender and seek for bail.

2. Challenging the said order, the petitioner is before this Court to set aside the order of the Principal Sessions Judge, Chennai and to grant suspension of sentence pending disposal of the appeal.

3. This Court finds that an absconding convict cannot seek for suspension of sentence, when the conviction warrant is pending against him. As pointed out by the lower appellate Court, he may surrender and seek redressal available under law. Hence this Criminal Original Petitions are dismissed.

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Index : Yes/No

Neutral Citation : Yes/No

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To



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The Principal Session Judge, Chennai.

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Dr.G.JAYACHANDRAN,J.

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