



Crl.O.P.No.29163 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29163 of 2023

Jawhar

... Petitioner

Vs.

A.Y.Ponvel

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to set aside the order dated 22.11.2023 in Crl.M.P.No.30070 of 2023 in Crl.A.No.723 of 2023, on the file of Principal Sessions Judge, City Civil Court, at Chennai and to allow the above criminal original petition by suspending the sentence imposed on the petitioner by an order dated 29.09.2023 made in S.T.C.No.601 of 2022, on the file of the Special Metropolitan Magistrate / XIV Judge, Court of Small Causes, Chennai.

For Petitioner : M/s.C.Prabakaran

ORDER

This petition has been filed challenging the order passed by the Court below in Crl.M.P.No.30070 of 2023 in Crl.A.No.723 of 2023 dated 22.11.2023, dismissing the application filed for suspension of sentence.

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2.Heard the learned counsel appearing for the petitioner and carefully perused the materials available on record.

3.The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act by the Special Metropolitan Magistrate/ XIV Judge, Court of Small Causes, Chennai in S.T.C.No.601 of 2022, dated 29.09.2023. The petitioner was sentenced to undergo 6 months simple imprisonment and to pay a sum of Rs.7 Lakhs as compensation and in default to undergo two months simple imprisonment. The Trial Court had suspended the sentence for a period of 30 days.

4.The petitioner aggrieved by the judgment of the Trial Court filed an appeal before the Court below in Crl.A.No.723 of 2023. The petitioner also filed an application for suspension of sentence in Crl.M.P.No.30070 of 2023. The Court below dismissed the application mainly on the ground that by the time the application was moved, the period for which the Trial Court had suspended the sentence had expired. Aggrieved by this order, the present petition has been filed before this Court.



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5. Taking into consideration the facts and circumstances of the case and the materials available on record, this Court is inclined to dispose of this criminal original petition in the following terms:

(a) There shall be a direction to the petitioner to surrender before the learned Principal Sessions Judge at Chennai on or before 05.02.2024 and file a bail application;

(b) The Court below shall grant interim bail to the petitioner subject to the condition that the petitioner deposits 20% of the compensation amount within a period of 60 days thereafter;

(c) If the petitioner complies with the above condition, the learned Principal Sessions Judge shall make the bail order absolute by imposing necessary conditions; and

(d) If the petitioner fails to comply with the direction issued by this Court, the interim bail shall be cancelled and the petitioner shall be made to undergo the sentence imposed by the Trial Court.

30.01.2024

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Note: Issue order copy on 01.02.2024

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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N.ANAND VENKATESH,J.
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To

- 1.The Principal Sessions Judge,
City Civil Court, at Chennai.
- 2.The Special Metropolitan Magistrate / XIV Judge,
Court of Small Causes, Chennai.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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