

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 2nd day of January, 2024.

Crl.M.P.No.55/2024

in

C.A.No.822/2023

in

C.C.No.4913/2017

(on the file of the Metropolitan Magistrate, FTC-II, Egmore @ Allikulam, Chennai)

Navin Ads,
Represented by its Proprietor
Navin M.Jain,
No.376, 2nd Floor, Chandan Complex,
Mint Street, Chennai-79.

.... Petitioner/Appellant/Accused

Vs.

Rajasthan Patrika Private Limited,
Rep. by its Senior Branch Manager,
Jose.P., Office at Suite No.2-A,
First Floor, Wellington Estate,
No.53, Ethiraj Salai,
Chennai-600008.

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.Ramesh Kumar Chopra, Vijay Kumar, Kumarpal R.Chopra, Pranav Jain and Pradeep, Counsel for the petitioner and upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. The petitioner seeks suspension of sentence pending disposal of the appeal.

2. The Petitioner/Appellant herein is the accused in C.C.No.4913 / 2017 on the file of the learned Metropolitan Magistrate, FTC-II, Egmore @ Allikulam, Chennai. On 27.11.2023 judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. act and sentenced to undergo six months S.I. and to pay the cheque amount of Rs.2,00,000/- as compensation to the complainant within 30 days from the date of judgment, in default, to undergo 2 months S.I.

3. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. Admittedly, the petitioner was found guilty u/s138 of N.I. act and sentenced to undergo six months S.I. and to pay the cheque amount of Rs.2,00,000/- as compensation to the complainant within 30 days from the date of judgment, in default, to undergo 2 months S.I. by the learned Metropolitan Magistrate, FTC-II, Egmore @ Allikulam, Chennai vide judgment dated 27.11.2023 and on the same day, the sentence was suspended by the trial court till 26.12.2023. Therefore, the petitioner / accused ought to have approached the appellate court by filing an appeal along with a petition for suspension of sentence and the sentence has to be suspended on or before 26.12.2023. In the present case, the appellant has filed the appeal and petition for suspension of sentence on 20.12.2023 and when the same was returned for compliance of certain defects, the same was represented only on 21.12.2023. Since, the appellant / petitioner has not obtained any order from the appellate court, suspending the sentence, the trial court would have issued a conviction warrant against the petitioner / appellant / accused. Since warrant is pending against the accused, the accused has to surrender before this court and to file a petition for suspension of sentence and then, it will be considered by this court. Therefore, the court is of the considered view that the petition for suspension of sentence deserves to be dismissed.

5. In the result, the petition is dismissed.

Delivered by me today in open court.

S ALLI Digitally signed by S ALLI
Date: 2024.01.02
16:45:01 +0530

Principal Sessions Judge

Copy to

The Metropolitan Magistrate, FTC-II, Egmore @ Allikulam, Chennai.

SS