

IN THE COURT OF SESSIONS AT CHENNAI
Present : Thiru.D.V.Aanand, M.A., B.L.,
III Additional Sessions Judge,
Principal Sessions Judge (Full Additional Charge)
Monday, the 8th day of April, 2024.

Crl.M.P.No.30577/2023

in

C.A.No.733/2023

in

C.C.No.2868/2019

(on the file of the Metropolitan Magistrate, FTC-IV, George Town, Chennai)

Kishore T.Khanna

.... Petitioner/Appellant/Accused

Vs.

M/s.Arvind Saraf and Sons HUF,
Rep. by Karta Arvind Saraf,
No.9. M.C.Road, Old Washermenpet,
Chennai-600021.

Rep. by Power Agent S.Mohan Kumar

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.S.Mohmed Dhurabudeen, G.Anandaaraj and S.Balaraman, 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.2868/2019 on the file of the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai. On 12.10.2023 judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act and sentenced to undergo simple imprisonment for a period of three months and to pay fine of Rs.20,00,000/-, which is ordered to be paid to the complainant as compensation, in default, the accused to undergo three months S.I.

3. Learned counsel for the petitioner would submit that this court has dismissed the present petition on 12.12.2023. Aggrieved over the said order, the petitioner filed Crl.R.C.No.2273/2023 before the Hon'ble High Court to set aside the said order passed by this court and the Hon'ble High Court by an order dated 4.1.2024 has directed the petitioner

to deposit a sum of Rs.4,00,000/- [20% of Rs.20,00,000/-] within a period of fifteen days from the date of receipt of a copy of the order to the credit of C.C.No.2868/2019 on the file of the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai and thereafter, the petitioner's appeal and petition for suspension of sentence along with the proof of payment to be considered and the this court shall admit the appeal and suspend the sentence imposed on the petitioner and to dispose the appeal on its own merits and in accordance with law. Hence, the present petition. He further submits that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

4. As per the above order, the petitioner has deposited a sum of Rs.4,00,000/- to the credit of C.C.No.2868/2019 before the Magistrate Court and produced the copy of the receipt for the same. Considering the same, this court is inclined to suspend the sentence.

5. Accordingly, the sentence of imprisonment imposed on the petitioner by the lower Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai.

Delivered by me today in open court.

Principal Sessions Judge(FAC)

Copy to
The Metropolitan Magistrate, FTC-IV, George Town, Chennai.
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