

IN THE COURT OF SESSIONS AT CHENNAI

**Present : Tmt.S.Alli, M.L.,
Principal Sessions Judge.**

Wednesday, the 26th day of July, 2023.

Crl.M.P.No.17404/2023

and

Crl.M.P.No.17945/2023

(Intervene Petition)

in

CCB Crime No.140/2023

1. Vijayaraghavan

2. Pradeepa

.. Petitioners/Accused

Vs.

State Rep. by

The Inspector of Police,

EDF-II, Team-IV, CCB, Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.J.William Shakesphere, V.Ravi, D.Divya Bharathi, K.Janapriya and M.Dilip Kumar, Counsel for the petitioner and of CPP for respondent and of M/s.C.Iyyapparaj, G.Paramasivam, R.Raghul, B.Vetrivel and R.Rajeshwari, Counsel for the intervenor and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioners, who apprehends arrest by the respondent police for the alleged offences punishable u/s 406, 420 r/w 34 of IPC in Crime No.140/2023 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submits that it is alleged that the 1st accused told the defacto complainant that he is working in Radio Mirchi and had advertisement orders of several companies, since he has no sufficient fund, asked the defacto complainant to invest in his business and they can share the profit. It is further alleged that the 1st accused insisted the defacto complainant to start a new company and he has also started a company by name Mantra Media and transferred Rs.1,65,00,000/- to the 1st accused and also paid Rs.56 lakhs by way of cash to both the accused. It is alleged that the accused had repaid only Rs.33 lakhs and did not repay the balance amount. He further submits that the 1st petitioner and defacto complainant were jointly running the business, in which, the defacto complainant invested Rs.1,65,00,000/- by way of bank transfer. The allegation that he has paid Rs.56 lakhs by way of cash is false. The 2nd accused no way connection with the business. There is no intention to cheat the defacto complainant. The

petitioners apprehend arrest at the hands of the respondent police. Hence, they may be granted anticipatory bail.

3. On the other hand, the learned CPP and the learned counsel for the intervenor submit that the 1st accused Vijayaraghavan approached the defacto complainant and informed him that he is working in Radio City and assured him that he will make arrangement for advertisement for the defacto complainant company and also instructed to start a new company. Believing his words, the defacto complainant started a company in the name of Mandra Pvt. Ltd. and transferred Rs.1,65,00,000/- to the account of A1 and also gave Rs.56 lakhs by way of cash to A1 and A2. When the defacto complainant demanded the money, the accused informed him to contact A3, working as a Manager in Chennai Silks, in turn, A3 received Rs.80,000/- through his Gpay account and thereafter, A1 issued two vouchers contains Rs.74,00,000/- for purchase of gold in Kumaran Silks. Subsequently, A4 contacted the defacto complainant stating that she is the sister of A1 and also informed the petitioner that to sent email citing the reason for payment. A1 assured to return the money before Pongal 2023. Later the defacto complainant came to know that the accused started another company in the very same name with dishonest intention and diverted the funds to the said company and A3 and A4 are fictitious persons. The amount has not been recovered. Arrest of the accused is necessary for custodial interrogation. Hence, strongly opposed the petition.

4. It is alleged that the petitioners induced the defacto complainant to start a new company and invest Rs.2,21,00,000/- on the false assurance that he will make arrangement for advertisement for the defacto complainant company. When the defacto complainant started the company and invested the amount, the accused diverted the said amount to another company, which was started by them and thereby cheated the defacto complainant to the tune of Rs.1,66,00,000/- Huge amount involved in this case. The amount has not been repaid so far. According to the prosecution, arrest of the accused is necessary for custodial interrogation. Considering the nature of offence, amount involved and the strong objection raised by the prosecution, this court is not inclined to grant anticipatory bail.

5. Petition is dismissed.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present : Tmt.S.Alli, M.L.,
Principal Sessions Judge.**

Wednesday, the 26th day of July, 2023.

Crl.M.P.No.17645/2023

in

N-1, Royapuram P.S. Crime No.206/2023

Jagadeesan.G

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.M.Udhayakumar, A.Hariharan and S.Yogapriya, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner, who apprehends arrest by the respondent police for the alleged offences punishable u/s 147, 341, 294(b), 295A and 506(i) of IPC in Crime No.206/2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submits that it is alleged that on 15.7.2023, at 10 a.m. the petitioner along with other accused abused with filthy language and insulted the Muslim religion. He further submits that the petitioner and defacto complainant are belonging to the same political party. The defacto complainant fixed a banner, in which, he has not mentioned the name of the petitioner, which was questioned by the petitioner. Hence, the false complaint has been lodged. The petitioner apprehends arrest at the hands of the respondent police. Hence, he may be granted anticipatory bail.

3. On the other hand, the learned CPP submits that one M.K.Sahul Hameed arranged for a banner to the defacto complainant as he got a post in the political party. When the said banner was taken by one Velu, the petitioner along with 6 other persons waylaid him and abused him and also threatened with dire consequences.

4. Dispute between members of the political party. No injure reported. Considering the nature of case, this court is inclined to grant anticipatory bail.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of this order, before the XVI Metropolitan Magistrate, Chennai on condition that the petitioner shall execute a bond

for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that

[a] the petitioner and the sureties shall affix their photographs and Left Thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today in open court.

Principal Sessions Judge

Copies to:

1. The XVI Metropolitan Magistrate, Chennai.
2. CPP, Chennai.
3. The Inspector of Police, N-1, Royapuram Police Station, Chennai.

SS

Crl.M.P.No.17645/2023

IN THE COURT OF SESSIONS AT CHENNAI

**Present : Tmt.S.Alli, M.L.,
Principal Sessions Judge.**

Wednesday, the 26th day of July, 2023.

Crl.M.P.No.17646/2023

in

N-1, Royapuram P.S. Crime No.206/2023

M.Nagaraj

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.V.Sambamurthy, S.Premkumar, S.Logesh and R.Prathap Raj, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner, who apprehends arrest by the respondent police for the alleged offences punishable u/s 147, 341, 294(b), 295A and 506(i) of IPC in Crime No.206/2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submits that there was difference of opinion between the party members Jagadeesan and Velu. On 12.2.2023, Velu alleged to have brought one party banner and launched on the public road, creates traffic trouble and unnecessary obstacle to the passers-by in the small road. There was wordy quarrel between Velu and Jagadeesan. The petitioner only pacified both. However, false complaint has been given implicating the petitioner. The petitioner is an Advocate. He has not committed any offence. The petitioner apprehends arrest at the hands of the respondent police. Hence, he may be granted anticipatory bail.

3. On the other hand, the learned CPP submits that one M.K.Sahul Hameed arranged for a banner to the defacto complainant as he got a post in the political party. When the said banner was taken by one Velu, the petitioner along with 6 other persons waylaid him and abused him and also threatened with dire consequences.

4. Dispute between members of the political party. No injure reported. Considering the nature of case, this court is inclined to grant anticipatory bail.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of this order, before the

XVI Metropolitan Magistrate, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that

[a] the petitioner and the sureties shall affix their photographs and Left Thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today in open court.

Principal Sessions Judge

Copies to:

1. The XVI Metropolitan Magistrate, Chennai.
2. CPP, Chennai.
3. The Inspector of Police, N-1, Royapuram Police Station, Chennai.

SS

Crl.M.P.No.17646/2023

IN THE COURT OF SESSIONS AT CHENNAI

**Present : Tmt.S.Alli, M.L.,
Principal Sessions Judge.**

Wednesday, the 26th day of July, 2023.

Crl.M.P.No.17653/2023

in

R-4, Soundarapandiyanar Angadi P.S. Crime No.146/2023

1. Dinesh
2. Sathish @ Sathishwar
3. Sakthi @ Sakthivel
4. Hari @ Hari Krishna

.. Petitioners/Accused

Vs.

State Rep. by
The Inspector of Police,
R-4, Soundarapandiyanar Angadi Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.Surendran and R.Karthik, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioners, who apprehend arrest by the respondent police for the alleged offences punishable u/s 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.146/2023 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submits that it is alleged that the petitioners assaulted the defacto complainant with knife. He further submits that the petitioners are innocent and they have not committed any offence as alleged. The petitioners apprehend arrest at the hands of the respondent police. Hence, the petitioners may be granted anticipatory bail.

3. On the other hand, the learned CPP submits that the accused were sitting on the bike belonging the defacto complainant and when the same was questioned, there was quarrel between the accused and the relatives of defacto complainant and the accused assaulted the defacto complainant and others with knife and cricket bat. The injured was admitted in the hospital for one day and thereafter discharged. The petitioners have no previous case.

4. Injured has been discharged from the hospital. No bad antecedents reported as against the petitioners. Except 506(ii) IPC, other offences are bailable. Considering the nature of case, this court is inclined to grant anticipatory bail.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of this order, before the XVII Metropolitan Magistrate, Chennai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that

[a] the petitioners and the sureties shall affix their photographs and Left Thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today in open court.

Principal Sessions Judge

Copies to:

1. The XVII Metropolitan Magistrate, Chennai.
2. CPP, Chennai.
3. The Inspector of Police, R-4, Soundarapandiyana Angadi Police Station, Chennai.

SS

Crl.M.P.No.17653/2023

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge.

Wednesday, the 26th day of July, 2023.

Crl.M.P.No.17766/2023

in

Crl.M.P.No.13708/2023

in

Crime No.248/2023

S.Saravanan

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

F-2, Egmore Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.N.Vinothkannan and P.Balamurugan, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.13708/2023, dt: 19.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.13708/2023, dated 19.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 34 days.

4. The petitioner has complied the condition for 34 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge.

Wednesday, the 26th day of July, 2023.

Crl.M.P.No.17767/2023

in

Crl.M.P.No.12324/2023

in

Crime No.120/2023

V.Yuvaraj

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

G-5, Secretariat Colony Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.K.Yuvaraj, M.Gurumoorthy and B.Dilli Babu, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.12324/2023, dt: 6.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.12324/2023, dated 6.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 44 days.

4. The petitioner has complied the condition for 44 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge.

Wednesday, the 26th day of July, 2023.

Crl.M.P.No.17769/2023

in

Crl.M.P.No.6105/2023

in

Crime No.26/2023

Selvakumar

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

C-2, Elephant Gate Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.M.Palani, R.Raja Durai and A.Nazar, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.6105/2023, dt: 20.3.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.6105/2023, dated 20.3.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 32 days.

4. The petitioner has complied the condition for 32 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

SS

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge.

Wednesday, the 27th day of July, 2023

Crl.M.P.No.17770/2023

in

Crl.M.P.No.29123/2023

in

Crl.M.P.No.5066/2023

**(On the file of the learned CCB and CBCID Metropolitan Magistrate, Egmore,
Chennai)**

in

Crime No.242/2022

Chandrabose

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Bank Fraud Investigation Wing, Team-XII,
CCB, Egmore,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.S.Chandan Babu, S.Prakash, M.Madhavan, M.Berlinraj and R.Ashok Kumar, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks modification of the condition imposed by the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.5066/2023, dt: 9.2.2023.

2. The petitioner was granted default bail u/s 167(ii) Cr.P.C. by the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.5066/2023, dated 9.2.2023 with condition to appear and sign before the respondent police daily twice at 10 a.m. and 5 p.m. until further orders.

3. Learned counsel for the petitioner submits that the petitioner was detained under Act 14/1982 from 28.11.2022 and the detention order was set aside by the Hon'ble High Court on 3.7.2023 and the petitioner was released from the prison on 5.7.2023. He was in judicial custody for 242 days. Even the investigation period of 90 days was already

completed, the respondent police neither investigated the case nor filed charge sheet till date. The petition for modification filed before the trial court was dismissed on 20.7.2023. The petitioner facing severe crisis by respondent police after release from prison and the respondent police frequently called the petitioner for enquiry and made him to wait for whole day and not allowing the petitioner to comply the condition. The respondent police threatened the petitioner that they would register false case against the petitioner. Hence, the condition may be modified and the petitioner may be directed to appear before the concerned court.

4. The learned CPP submits that the petitioner has not even complied the condition for single day and hence, seriously objects the petition.

5. The petitioner was granted default bail u/s 167(ii) Cr.P.C. on 9.2.2023. However, the petitioner has not even complied the condition for single day. Without complying the condition, he has come forward with this petition for modification. Further, the reasons stated by the petitioner for non-compliance of the order is not sufficient and acceptable. Considering the above facts and circumstances, this court is not inclined to modify the condition. Accordingly, the petition is dismissed.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge
Wednesday, the 26th day of July, 2023**

Crl.M.P.No.17772/2023

in

Crl.M.P.No.14187/2023

in

Crl.M.P.No.9425/2023

in

C.A.No.205/2023

in

C.C.No.8556/2018

(On the file of the learned Metropolitan Magistrate, FTC-I, Egmoie @ Allikulam, Chennai.)

V.V.R.S.Prabhu

.. Petitioner/Accused.

Vs.

S.Jawaharlal

..Respondent/Complainant

The above petition is coming on this day before me for hearing in the presence of M/s.Arunkungumaraj, S.Amarnath, Vinothini.R. and Jaison.R., Counsel for the petitioner and upon hearing the counsel for the petitioner, this Court delivered the following :

ORDER

1. Petitioner seeks extension of time granted in Crl.M.P.No.14187/2023, dated 23.6.2023.

2. As per the order passed in Crl.M.P.No.9425/2023, dated 20.4.2023 this court suspended the sentence imposed on the petitioner with condition to deposit 20% of the compensation amount before the trial court within 60 days from the date of the order. The time was extended for a further period of 30 days as per the order passed in Crl.M.P.No.14187/2023, dated 23.6.2023. Now, the present petition has been filed to extend the time further.

3. According to the counsel for the petitioner, the petitioner / accused is in the final stage of settlement talk with the respondent / complainant and with the best efforts, the

settlement is about to end outside the court procedures amicably. Hence, the time may be extended further.

4. The original order was passed on 20.4.2023 granting 60 days time to deposit the 20% of the compensation amount. Thereafter the time was extended for a further period of 30 days. However, even after 90 days, the petitioner has not complied the condition and filed the present petition for further extension of time. The reason stated by the petitioner for extension of further time is not sufficient and acceptable. The petition has been filed after the expiry of the time. Considering the above circumstances, this court is not inclined to extend the time. Accordingly, the petition is dismissed.

Delivered by me today in open court.

SS

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge.

Wednesday, the 26th day of July, 2023.

Crl.M.P.No.17797/2023

in

Crl.M.P.No.21565/2022

in

R.R. No.25/2022

Ajay P.Benjamin

.. Petitioner/Accused

Vs.

State Rep. by

The Senior Intelligence Officer / Superintendent,

O/o.Principal Commissioner, CGST (DGCI),

Greams Road,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.K.T.Raghavan, K.S.Abishek and A.Nileshram, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.21565/2022, dt: 21.11.2022.

2. The petitioner was granted bail by this court in Crl.M.P.No.21565/2022, dated 21.11.2022 with condition to appear before the respondent police at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 7 months.

4. The petitioner has complied the condition for 7 months. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge.

Wednesday, the 26th day of July, 2023

Crl.M.P.No.1/2023

in

C.A.No.421/2023

in

C.C.No.6563/2018

(on the file of the Metropolitan Magistrate, FTC-III, Saidapet, Chennai)

1. Sri Balaji Granites,
Rep. by its Proprietor,
Mr.D.Balaji,
No.23/80, Industrial Estate,
Chittoor 517001, Andra Pradesh.
2. D.Balaji,
Proprietor,
Sri Balaji Granites,
No.23/80, Industrial Estate,
Chittoor 517001, Andra Pradesh. Petitioner/Appellant/Accused

Vs.

T.Balaji Prasad Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.V.Ramana Reddy, V.Chandrasekara Reddy, M.Dhayalan, K.Karthik, S.Govarthanan and G.Sambath Kumar, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. The petitioners seek suspension of sentence pending disposal of the appeal.
2. The Petitioners/Appellants herein are the accused in C.C.No.6563/2018 on the file of the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai. On 1.7.2023, judgment was pronounced in the above case and the petitioners were found guilty u/s.138 of N.I. Act and the 2nd petitioner was sentenced to undergo six months Simple Imprisonment and to pay the cheque amount as compensation to the complainant, in default, to undergo one month S.I.

3. Learned counsel for the petitioners would submit that the petitioners have fair chance of success in the appeal. Hence, prays to suspend the sentence.

4. This court has also perused the memorandum of appeal and the submission made by the petitioners' counsel. The trial court suspended the sentence till 28.7.2023.

5. As per Sec.148 of N.I. Act (Amendment Act), 2018, the Appellate Court may order the Appellant to deposit such sum which shall be a minimum of Twenty percent of the fine or Compensation awarded by the Trial Court. In the above provision, it is clearly stated that the amount shall be deposited within 60 days from the date of the judgment. As already stated supra, the 2nd petitioner/2nd appellant/2nd accused was ordered to undergo simple imprisonment for a period of six months and in these circumstances, it may not be right to hold that the petitioner has to serve the sentence during the pendency of the appeal.

6. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the compensation amount.

7. Accordingly, the sentence of imprisonment imposed on the 2nd petitioner by the lower Court alone is hereby suspended till the disposal of the appeal and the 2nd 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-III, Saidapet, Chennai. Further the petitioners shall deposit 20% of the compensation amount to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.

8. The appeal has been made over to XVI Additional Sessions Court, Chennai.

9. The appeal is posted on 28.8.2023.

Delivered by me today in open court.

Principal Sessions Judge

Copy to
The Metropolitan Magistrate, FTC-III, Saidapet, Chennai.

ss

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge.

Wednesday, the 26th day of July, 2023

Crl.M.P.No.2/2023

in

C.A.No.421/2023

in

C.C.No.6563/2018

(on the file of the Metropolitan Magistrate, FTC-III, Saidapet, Chennai)

1. Sri Balaji Granites,
Rep. by its Proprietor,
Mr.D.Balaji,
No.23/80, Industrial Estate,
Chittoor 517001, Andra Pradesh.
2. D.Balaji,
Proprietor,
Sri Balaji Granites,
No.23/80, Industrial Estate,
Chittoor 517001, Andra Pradesh. Petitioner/Appellant/Accused

Vs.

T.Balaji Prasad Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.V.Ramana Reddy, V.Chandrasekara Reddy, M.Dhayalan, K.Karthik, S.Govarthanan and G.Sambath Kumar, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. This petition has been filed by the petitioners to waive the pre-requisite condition of depositing 20% cheque amount.
2. The Petitioners/Appellants herein are the accused in C.C.No.6563/2018 on the file of the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai. On 1.7.2023, judgment was pronounced in the above case and the petitioners were found guilty u/s.138 of N.I. Act and the 2nd petitioner was sentenced to undergo six months Simple Imprisonment and to pay the cheque amount as compensation to the complainant, in default, to undergo one month S.I.

3. Learned counsel for the petitioners would submit that the cheque issued to the father of the complainant for security purpose has been misused by the complainant. The money was already repaid. In order to harass the petitioner, the complaint has been filed. The 20% cheque amount is quite larger and at present the business of the petitioner is not smooth running, this caused the petitioner lot of inconvenience to deposit the said amount. Hence, the condition to deposit 20% of the cheque amount may be waived.

4. The petitioner was already convicted and sentenced by the trial court. As per Sec.148 of N.I. Act, the Appellant has to deposit such sum which shall be a minimum of Twenty percent of the fine or Compensation awarded by the Trial Court. The reasons stated by the petitioner for waiving the said condition is not sufficient and acceptable. Considering the above circumstances, this court is not inclined to allow the petition.

5. In the result, the petition is dismissed.

Delivered by me today in open court.

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Principal Sessions Judge