

IN THE COURT OF SESSIONS AT CHENNAI

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

Wednesday, the 3rd day of August, 2022

Crl.M.P.No. 13514/2022

in

C-4 R.G.G.G.H P.S. Crime No. 60/2022

Palani

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
C-4 R.G.G.G.H Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. S. Kesavan, B. Kumar, A. Jotheeswaran, Counsel for the petitioner and of CPP for respondent and upon hearing them, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 4.7.2022 for the offence punishable under Section 354 IPC and sec. 4 of TNPHW Act in Crime No.60/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioner is innocent. He is no way connected with the alleged offence. He is working as ward assistant for the past 20 years. On the date of occurrence, this petitioner took the defacto complainant in a wheel chair to the dialysis room for dialysis. On the way to dialysis room wordy quarrel arose between them. Hence, this false complaint has been given by the defacto complainant against the petitioner with an ulterior motive. The petitioner is in custody from 4.7.2022 and prays for granting bail.

4. On the other hand, learned CPP submits that the defacto complainant is admitted in Government General Hospital as inpatient. On 30.6.2022, this petitioner

outraged the modesty of the complainant by way of molesting and pulling her dress. Investigation is not yet completed. He further submits that this petitioner's earlier bail application was dismissed on 20.7.2022 and that there is no change in circumstances. Hence, he objects the grant of bail.

5. This petitioner is working as Ward assistant in Government General Hospital. The defacto complainant is a Chronic Kidney Dialysis patient and she has been admitted as inpatient in the said hospital. As per the FIR, the allegation against the petitioner is that he outraged the modesty of the defacto complainant by molesting her. Admittedly, there is no chance for enmity between the petitioner and the defacto complainant. Hence, there is no necessity for the defacto complainant to lodge such a heinous complaint against the petitioner. The petitioner was arrested only on 4.7.2022. Investigation is not yet completed. Earlier bail application was dismissed on 20.7.2022. No change in circumstance was reported. If the petitioner is released on bail, chances for absconding is more. In the above said circumstances, this court is not inclined to grant bail to the petitioner at present.

6. Petition is dismissed.

Delivered by me today in the open Court.

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Wednesday, the 3rd day of August, 2022

Crl.M.P.No. 13515/2022

in

K-2 Ayanavaram P.S. Crime No. 282/2022

Babuji

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. A. Elumalai, S. Shanmugam, Counsel for the petitioner and of CPP for the respondent and upon hearing them, this Court delivered the following

ORDER

1. The petitioner, who was arrested on 19.7.2022 for the offence punishable under Section 379 IPC in Crime No. 282/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that this petitioner is innocent of the offence. He has not committed any offence as alleged by the prosecution. The petitioner has no bad antecedents. False case has been foisted on him only for statistical purpose. The petitioner is in custody from 19.7.2022 and prays for granting bail.

4. The case of the prosecution is that this petitioner/A1 along with another accused committed theft of defacto complainant's two wheeler bearing Registration No.TN 01 AK 9456 Apache R7R 180 when it was parked near Trinity Full Gospel Church Raj Street at Ayanavaram.

5. According to CPP, the bike involved in this case is not yet recovered. The antecedents of the petitioner is yet to be ascertained. Arrest of the petitioner is very recent one. Hence, he objects the grant of bail.

6. Considering the nature of offence, the property involved in this case is not yet recovered and short duration of custody, this court is not inclined to grant bail to the petitioner at present.

7. Petition is dismissed.

Delivered by me in open court today.

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Wednesday, the 3rd day of August, 2022

CrI.M.P.No. 13525/2022

in

K.3, Aminjikai P.S. Crime No. 257/2022

Kishore

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
K.3, Aminjikai Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. N. Selvarajan, M. Jaikumar, L. Vinoth Kumar, P. Kamaraj, T. Lavanya, S.H. Vazhavan Karthikeyan, P.S. Mercy Gnanammal, Counsel for the petitioner and the CPP for respondent, and upon hearing them, this Court delivered the following:

ORDER

1. The petitioner, who was voluntarily surrendered before the learned V Metropolitan Magistrate, George Town, Chennai on 19.5.2022 and remanded to judicial custody on the same day for the offence punishable under Sections 341, 294(b), 302 and 506(ii) IPC in Crime No.257/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioner is innocent. This petitioner was not at all present at the scene of occurrence and he is no way connected with the alleged offence. He has been falsely implicated in this case. A9 was granted bail by the Hon'ble High Court, Madras and A6 was granted bail by this court. The petitioner is in custody from 19.5.2022 and prays for granting bail.

4. The case of the prosecution is that due to previous enmity, this petitioner/A3, along with other accused hatched a criminal conspiracy to eliminate the victim. In

continuation of that, they chased the victim in a two wheeler and brutally attacked him using deadly weapons and caused multiple grievous injuries all over his body and due to which, the victim died in the hospital. Hence, the complaint.

5. According to CPP, it is a preplanned murder. Totally 9 accused involved in this case and this petitioner is A4. This petitioner/A4 directly involved in the crime and murdered the victim along with other accused using deadly weapons. The murder was took place at 1.30 p.m. in the broad day light. 4 knives, Car which is used to escape from the spot were recovered. A9 was granted bail by the Hon'ble High Court as he provided the car to the accused. A6 was granted bail by this court on medical grounds. As far as this petitioner is concerned, he actively participated in the crime. Investigation is at crucial stage. If the petitioner is released on bail, chances for absconding is more and also there is every possibilities in tampering the witnesses. He further submits that this petitioner is having 2 previous cases . Hence, he seriously objects the grant of bail.

6. It is a preplanned brutal murder due to previous enmity. The investigation reveals that this petitioner as a prime accused, actively participated in committing the murder. The victim was brutally murdered by this accused and others using deadly weapons in a broad day light. Investigation is still going on. Considering the gravity of offence, role played by this petitioner in the alleged crime, antecedents of the petitioner, stage of the investigation and the objection raised by the learned CPP, this court is not inclined to grant bail to the petitioner at this juncture.

7. Hence, this petition is dismissed.

Delivered by me today in the open Court.

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge

Wednesday, the 3rd day of August, 2022

Crl.M.P.No. 13657/2022

in

R-3 Ashok Nagar P.S. Crime No. 111/2018

Vicky @ Vignesh

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
R-3 Ashok Nagar Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. R. Muthukumar, R. Lingakumar, S. Petchi Muthukumar, P. Muthumari, Counsel for the petitioner and of CPP for respondent and upon hearing them, this Court delivered the following :

ORDER

1. The petitioner, who was arrested under PT Warrant on 8.7.2022 for the offence punishable under Section 341, 294(b), 392, 397, 336, 427 and 506(ii) IPC in Crime No. 111/2018 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioner is innocent of the offence. He was originally arrested on 27.6.2022 in another crime number and in this case, he has been formally arrested under P.T. Warrant on 8.7.2022. He has not committed any offence as alleged by the prosecution. False case has been foisted on him only for statistical purpose. This petitioner was not at all present at the scene of occurrence. Co-accused A1 and A2 were already released on bail. The petitioner is in custody from 8.7.2022. Hence, prays for granting bail.

4. The case of the prosecution is that, this petitioner /A3 along with two other accused waylaid the defacto complainant and robbed Rs.3000/- from him at knife point. Hence, the complaint.

5. According to CPP, occurrence had taken place on 17.2.2018. This petitioner was absconded for more than 4 years and now only he has been arrested. This petitioner is having 3 previous cases including one murder case. However, according to him, out of Rs.3000/-, Rs.2000/- has been recovered and co-accused were already granted bail.

6. Occurrence took place in the year 2018. This petitioner has been formally arrested in this case. Originally, he was arrested on 27.6.2022 in another crime number. Co-accused were already granted bail. Considering the above facts and duration of custody, this court is inclined to grant bail to the petitioner subject to condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned XXIII Metropolitan Magistrate, Chennai and on further condition that

(a) 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 above petitioner in accordance with law as if the conditions have been imposed and the above petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble 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 the open Court.

Principal Sessions Judge

Copy to :

1. The XXIII Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

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Crl.M.P.No. 13657/2022

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022**

CrI.M.P.No. 13747/2022

in

G-2 Periamet P.S. Crime No. 171/2022

Alamelu

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
G-2 Periamet Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. Mohammed Iqbal, Udaya Kumar, Prasath, Vijay R. Shukla, Counsel for the petitioner and of CPP for respondent and upon hearing them, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 19.7.2022 for the offence punishable under Section 341, 294(b), 307 and 506(ii) IPC in Crime No. 171/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioner is innocent of the offence. She is no way connected with the alleged offence. The petitioner has no bad antecedents. Injured has been discharged from the hospital. The petitioner is in custody from 19.7.2022. Hence, prays for granting bail.

4. The case of the prosecution is that, due to previous enmity, wordy quarrel arose between the petitioner and the defacto complainant's daughter when this petitioner demanded the victim's cell phone. When she objected, this petitioner slashed on her thigh and below knee using blade and caused injury to her. The victim was admitted to General Hospital for treatment. Hence, the complaint.

5. According to CPP, injured has been discharged from the hospital after 2 days of inpatient treatment.

6. No previous case is reported against the petitioner. According to CPP, injured has been discharged from the hospital. The petitioner is in custody for the past past weeks. Period for taking custodial interrogation is over. Major portion of investigation might have been complete by this time. Considering the above facts and the duration of custody, this court is inclined to grant bail to the petitioner subject to condition.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned II Metropolitan Magistrate, Chennai and on further condition that

(a) 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 above petitioner in accordance with law as if the conditions have been imposed and the above petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble 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 the open Court.

Principal Sessions Judge

Copy to :

1. The II Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison (for women), Puzhal, Chennai.

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Crl.M.P.No. 13747/2022

IN THE COURT OF SESSIONS AT CHENNAI

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

Wednesday, the 3rd day of August, 2022

CrI.M.P.No. 13749/2022

in

D-2 Anna Salai P.S. Crime No. 132/2022

M. Rasul Mohammed Anifa

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
D-2 Anna Salai Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.K. Panjamurthy, M. Arunchori, M. Varundev, Lalith R. Nevathithan, Counsel for the petitioner and of CPP for respondent and upon hearing them, this Court delivered the following :

ORDER

1. The petitioner, who was voluntarily surrendered before the XVI Metropolitan Magistrate, George Town on 4.7.2022 and on the same day he was remanded to judicial custody for the offence punishable under Section 395 and 397 IPC in Crime No. 132/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioner is innocent. He has been falsely implicated in this case. He is no way connected with the alleged offence. The petitioner is ready to abide by any condition in the event of his release. He is in custody from 4.7.2022 and prays for granting bail.

4. On the other hand, learned CPP submits that it is a pre-planned robbery. Totally 8 accused and this petitioner is arrayed as A6. A1 and A4 were absconded. This petitioner

along with other accused chased the defacto complainant in three two-wheelers, attacked the complainant using iron rods and robbed the cash bag from him which contains cash Rs.3 lakhs and escaped from the spot. The victim sustained injury on his right hand and shoulder. He further submits that out of Rs.3 lakhs, Rs.20,700/- only recovered and major portion of amount is yet to be recovered. According to CPP, this petitioner is having 7 previous cases. Investigation is not yet completed. If the petitioner is released on bail, chances for absconding is more. Hence, he vehemently opposes the grant of bail.

5. It is a case of robbery. On perusal of the FIR, it would go to show that the defacto complainant and his friend started a business to supply fish to hotels. For which they arranged Rs.3 lakhs and when the defacto complainant went to ATM centre to deposit the cash Rs.3 lakhs, this petitioner along with other accused went in three motor bikes, attacked the complainant using iron rod and robbed the cash bag from him and escaped from the spot. Due to the said attack, the victim sustained injury on his right hand and shoulder. According to CPP, out of Rs.3 lakhs, Rs.20,700/- only recovered. Major portion of amount is yet to be recovered. Investigation is not yet completed. A1 and A4 are still absconding and they are yet to be secured. Considering the nature of offence, antecedents of the petitioner and that major portion of amount is yet to be recovered, this court is not inclined to grant bail to the petitioner at present.

6. Petition is dismissed.

Delivered by me today in the open Court.

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

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

Wednesday, the 3rd day of August, 2022

Crl.M.P.No. 13754/2022

in

P-2 Otteri P.S. Crime No. 426/2022

Abimanyu

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
P-2 Otteri Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. U. Yuvaraj, M. Elayakumar, A. Vinothkumar, P. Praveen Kumar, Counsel for the petitioner and of CPP for respondent and upon hearing them, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 23.7.2022 for the offence punishable under Section 341, 294(b), 324, 307 and 506(ii) IPC in Crime No. 426/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioner is innocent of the offence. He has not committed any offence as alleged by the prosecution. Injured has been discharged from the hospital. Co-accused was granted bail by this court in Crl.M.P.No.9023/2022 dated 8.6.2022. The petitioner is in custody from 23.7.2022. Hence, prays for granting bail.

4. On the other hand, learned CPP submits that due to previous enmity, this petitioner along with his brother attacked the defacto complainant's brother with knife and caused injury. The victim was treated as in-patient for 5 days and later got discharged.

He further submits that this petitioner was absconded for nearly 2 ½ months and now only he has been arrested by the police and this petitioner is having 2 previous cases.

5. Occurrence took place on 24.5.2022. Victim has been discharged from the hospital after 5 days of treatment. Co-accused was granted bail by this court on 8.6.2022. The petitioner is in custody for the past 11 days. Major portion of the investigation might have been completed by this time. Considering the above facts and the duration of custody, this court is inclined to grant bail to the petitioner on condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned X Metropolitan Magistrate, Chennai and on further condition that

(a) 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 above petitioner in accordance with law as if the conditions have been imposed and the above petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble 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 the open Court.

Principal Sessions Judge

Copy to :

1. The X Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

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Crl.M.P.No. 13754/2022

IN THE COURT OF SESSIONS AT CHENNAI

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

Wednesday, the 3rd day of August, 2022

Crl.M.P.No. 13755/2022

in

R-4 Soundarapandiyanar Angadi P.S. Crime No. 168/2022

1. Prithiviraj
2. Manikandan

.. Petitioners/Accused

Vs.

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

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.Vincent @ Vincent, Christopher Kishore Vincent, S.V. Jayaprakash, Ilantharai Arasu, U. Priyadarsini, R. Ranjith, Counsel for the petitioners and of CPP for respondent and upon hearing them, this Court delivered the following :

ORDER

1. The petitioners, who were arrested on 25.7.2022 for the offence punishable under Section 3(2)(a), 4(1), 5(1)(a) of Immoral Traffic (Prevention) Act 1956 in Crime No. 168/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioners submits that the petitioners are innocent of the offence. They have not committed any offence and they are no way connected with the alleged offence. The 1st petitioner is the Manger of Hotel Red Box, the 2nd petitioner is the Receptionist. The 2nd petitioner joined in the said job on 25.7.2022 and on the very first day the occurrence had occurred. Nothing has happened as narrated in the FIR. The hotel CCTV footage is very much available to prove that the averments stated in the FIR are false and cooked up stories. There was rental agreement between Chandra Prakasam and Naveena Monal, in respect of Red Box hotel, who is paying monthly rent of Rs.2,96,610/- excluding electricity charges and other taxes for running her business. Except that she spent more than Rs.3 lakhs for renovation of the building and she has associated her hotel with OYO Rooms and has developed the business in short period. Seeing the success in the business in a short

period, the said Chandra Prakasam, with a greedy mind to grab the business, tried all hooks and crooks by giving false complaints with the respondent police. Due to the intervention of Chandra Prakasam, the Red Box hotel has initiated a Civil suit O.S.No.3412/2022 before the XXI Assistant City Civil Court and while the suit was pending, the said Chandra Prakasam sent a legal notice to M/s. Red Box hotel dated 18.6.2022 stating that the premises is being misused and immoral activities are conducted, and he demanded to hand over the premises to him cancelling the Lease Deed. Since, the said Chandra Prakasam, as owner of the Hotel, wants to evict the Red box hotel from the premises, he arranged this trap and lodged the false and baseless complaint against the Naveena Monal and the same was denied by her. It is purely a civil dispute between the said Chandra Prakasam and Naveena Monal and these petitioners are become victim in this case. The 1st petitioner is newly married and he has to undergo a Myomectomy surgery. The petitioners are in custody from 25.7.2022. Hence, prays for granting bail.

4. On the other hand, learned CPP submits that these petitioners/A1 and A2 along with another accused solicited prostitution on 25.7.2022 at No.1 Red Box Lodge, Periyar Road, T. Nagar, Chennai by indulging young girls in a flesh trade and earned money through them. On the date of occurrence, the police conducted raid and these petitioners were caught red-handed by the respondent police. One victim girl was secured and sent to Home. A1 is still absconding. Investigation is at an early stage. If the petitioners are released on bail, chances for absconding is more. Hence, he objects the grant of bail.

5. The allegation against the petitioners is that they along with other accused indulged young girls in flesh trade and earned money through them. They were caught red-handed by the respondent police. One victim girl was secured and sent to Home. Arrest of the petitioners is very recent one. Prime accused is yet to be arrested. Investigation is at an early stage. In the above said circumstances, this court is not inclined to grant bail to the petitioners.

6. Petition is dismissed.

Delivered by me today in the open Court.

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022

Crl.M.P.No.13670/2022

in

Crl.M.P.No.11451/2022

in

Crime No.203/2022

1. N. Dinakaran
2. D. Jagadeeshan
3. D. Hemanthkumar

... Petitioners/Accused.

vs.

State by
The Inspector of Police,
K.11, CMBT Police Station,
Chennai.

... Respondent/Complainant.

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

ORDER

1. Petitioners seek relaxation of the condition imposed by this court in Crl.M.P.No.11451/2022, dt:8.7.2022.

2. Heard both sides.

3. The petitioners were granted anticipatory bail by this court in Crl.M.P.No.11451/2022 on 8.7.2022 for the offence u/s. 147, 148, 294(b), 427, 506(ii) IPC with condition to appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioners have complied the condition only for 19 days. Considering the nature of offence and the number of days complied, this court is not inclined to relax the condition.

5. Hence, the petition is dismissed.

Delivered by me today in the open Court.

nmk

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022**

Crl.M.P.No.13671/2022

in

Crl.M.P.No.8307/2022

in

Crime No.not known of 2022

1. Balaji

2. Muthuvel

... Petitioners/Accused.

vs.

State by

The Inspector of Police,
C.3, Seven Wells Police Station,
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. J.N. Naresh Kumar, Counsel for the petitioner and of CPP for the respondent and upon hearing them, this Court delivered the following,

ORDER

1. Petitioners seek relaxation of the condition imposed by this court in Crl.M.P.No.8307/2022, dt:7.6.2022.

2. Heard both sides.

3. The petitioners were granted anticipatory bail by this court in Crl.M.P.No.8307/2022 on 7.6.2022 with condition to appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioners 1 and 2 have complied the condition for the past 34 and 37 days, respectively. Considering 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 the open Court.

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022**

Crl.M.P.No.13672/2022

in

Crl.M.P.No.9593/2022

in

Crime No.145/2022

1. Viji
2. Vicky @ Dilliraj

... Petitioners/Accused.

vs.

State by
The Inspector of Police,
N.3, Muthialpet Police Station,
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. Jaishankar, S. Balaji, Counsel for the petitioner and of CPP for the respondent and upon hearing them, this Court delivered the following,

ORDER

1. Petitioners seek relaxation of the condition imposed by this court in Crl.M.P.No.9593/2022, dt:16.6.2022.

2. Heard both sides.

3. The petitioners were granted anticipatory bail by this court in Crl.M.P.No.9593/2022 on 16.6.2022 with condition to appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioners have complied the condition for the past 31 days. Considering 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 the open Court.

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022**

Crl.M.P.No.13673/2022

in

Crl.M.P.No.11811/2022

in

Crime No.10/2022

Bharathi

... Petitioner/Accused.

vs.

State by
The Inspector of Police,
W.16, All Women Police Station,
Pulianthope,
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. P. Arasaprabhu, P. Praveen Kumar, Counsel for the petitioner and of CPP for the respondent and upon hearing them, this Court delivered the following,

ORDER

1. Petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.11811/2022, dt:13.7.2022.

2. Heard both sides.

3. The petitioner was granted anticipatory bail by this court in Crl.M.P.No.11811/2022 on 13.7.2022 for the offence u/s. 294(b), 498(A), 506(ii) IPC with condition to appear before the respondent police daily at 10.30 a.m. until further orders.

4. Learned counsel for the petitioner submits that the petitioner is working as Nursing Assistant in a private hospital. Petitioner's daughter is affected with Paresis disease and the petitioner is the only person to take care of her with her earnings. Due to the above condition, the petitioner is unable to go for work and thus prays for relaxation of the condition.

5. On the other hand, learned CPP submits that the petitioner has complied the condition only for 19 days. Considering the nature of offence and the number of days complied, this court is not inclined to relax the condition.

6. Hence, the petition is dismissed.

Delivered by me today in the open Court.

nmk

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022**

Crl.M.P.No.13675/2022

in

C.A.No.157/2022

in

C.C.No.1650/2018

(on the file of learned VI Metropolitan Magistrate, Egmore, Chennai)

Ayyappan

.. Petitioner/Appellant/Accused

Vs.

State Rep. by
The Inspector of Police,
K.10, Koyambedu Police Station,
Traffic Investigation Wing,
Chennai.
Cr.No.74/KMI/2016

.. Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. E. Vinoth Kumar, M. Samantha, Counsel for the petitioner/appellant and upon hearing the petitioner side arguments, this court delivered the following

ORDER

1. Heard.

2. The petitioner in the above case seeks suspension of sentence pending disposal of the appeal.

3. The petitioner/appellant herein is the accused in C.C.No.1650/2018 on the file of VI Metropolitan Magistrate Court, Egmore, Chennai. On 5.7.2022, a judgment was pronounced in the above case and the petitioner/accused was convicted u/s. 181 of M.V. Act and he was sentenced to undergo S.I. for 3 months.

4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

5. This court has also perused the memorandum of appeal and the submission made by the petitioner's side. Fine amount has been paid. The trial court has suspended the sentence till 4.8.2022. As already stated supra, the Petitioner / Appellant /

Accused was ordered to undergo simple imprisonment for a period of three 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. Considering the above facts, this Court is inclined to suspend the sentence of imprisonment.

6. 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 VI Metropolitan Magistrate, Egmore, Chennai.

7. The appeal has been made over to XXI Additional Sessions Court, Chennai.

8. The appeal stands posted to 22.8.2022.

Delivered by me today in the open court.

Principal Sessions Judge

Copy to

Learned VI Metropolitan Magistrate, Egmore, Chennai.

nmk

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022**

Crl.M.P.No.13677/2022

in

C.A.No.159/2022

in

C.C.No.970/2020

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

1. M/s. Pro Wide Health Care Pvt. Ltd.,
Rep. by its Director
Mrs. F. Joyce Victoria,
No.3, 1st Street, Shanthipuram, Thirumulaivoyal,
Chennai - 600 062.
2. Mrs. F. Joyce Victoria
Director,
M/s. Pro Wide Health Care Pvt. Ltd.,
No.3, 1st Street, Shanthipuram, Thirumulaivoyal,
Chennai - 600 062.
3. Franklin Jayachand
Director,
M/s. Pro Wide Health Care Pvt. Ltd.,
No.3, 1st Street, Shanthipuram, Thirumulaivoyal,
Chennai - 600 062.

....Petitioners/Appellants/
Accused.

Vs.

Geetha Raja

.... Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. A. Balasingh Ramanujam, M. Manimaran, P. Mahenderchand, R. Senthilkumar, Counsel for the petitioners and upon hearing them, this Court delivered the following,

ORDER

1. The petitioners seek suspension of sentence pending disposal of the appeal.
2. Heard the learned counsel for the petitioners.

3. The Petitioners/Appellants herein are the accused in C.C.No.970/2020 on the file of the learned Metropolitan Magistrate, FTC-II, Egmore, Chennai. On 27.6.2022, judgment was pronounced in the above case and the petitioners/A2 and A3 were found guilty u/s.138 of N.I. Act and they were convicted and sentenced to undergo simple imprisonment for 1

year each and the petitioners 1 to 3/accused were directed to pay Rs.12,00,000/- to the complainant as compensation within a period of 30 days from the date of the judgment, i/d. the petitioners 2 and 3 were sentenced to undergo simple imprisonment for 3 months.

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

5. This court has also perused the memorandum of appeal. The appeal has been preferred without any delay. The trial court has suspended the sentence against the petitioners 2 and 3 till 25.7.2022.

6. 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 Order. As already stated supra, the petitioners 2 and 3/appellants 2 and 3 /A2 and A3 were ordered to undergo simple imprisonment for 1 year each and in these circumstances, it may not be right to hold that the petitioners 2 and 3 have to serve the sentence during the pendency of the appeal.

7. 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.

8. Accordingly, the sentence of imprisonment imposed on the petitioners 2 and 3 by the lower Court alone is hereby suspended till the disposal of the appeal and the petitioners 2 and 3 are ordered to be enlarged on bail on their executing a bond for Rs.10,000/- each with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-II, Egmore, Chennai. Further the petitioners 2 and 3 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.

9. The appeal stands posted to 23.8.2022.

Delivered by me today in the open Court.

Principal Sessions Judge.

Copy to
Learned Metropolitan Magistrate, FTC-II, Egmore, Chennai.

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022**

Crl.M.P.No.13746/2022

in

C.A.No.160/2022

in

C.C.No.2314/2017

(on the file of the learned Metropolitan Magistrate, FTC-IV, G.T., Chennai)

U. Padma Priya

...Petitioner/Appellant/Accused

Vs.

D. Elbena

.... Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. Suchit Anant Palande, Suyesh Palande, L. Tamilarasi, Counsel for the petitioner and upon hearing them, this Court delivered the following,

ORDER

1. The petitioner seeks suspension of sentence pending disposal of the appeal.
2. Heard the learned counsel for the petitioner.
3. The Petitioner/Appellant herein is the accused in C.C.No.2314/2017 on the file of the learned Metropolitan Magistrate, FTC-IV, G.T., Chennai. On 5.7.2022, judgment was pronounced in the above case and the petitioner/accused was found guilty u/s.138 of N.I. Act and she was convicted and sentenced to undergo simple imprisonment for three months and directed to pay a sum of Rs.15,00,000/- as compensation to the complainant within a month from the date of the judgment.
4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.
5. This court has also perused the memorandum of appeal. The appeal has been preferred without any delay. The trial court has suspended the sentence against the petitioner till 3.8.2022.

6. 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 Order. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for 3 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.

7. 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.

8. 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 her executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-IV, G.T., Chennai. Further the petitioner 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.

9. The appeal stands posted to 23.8.2022.

Delivered by me today in the open Court.

Principal Sessions Judge.

Copy to
Learned Metropolitan Magistrate, FTC-IV, G.T., Chennai.

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge

Wednesday, the 3rd day of August, 2022

Crl.M.P.No.13757/2022

in

C.A.No.161/2022

in

C.C.No.489/2016

(on the file of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai)

Varsha Jain

...Petitioner/Appellant/Accused

Vs.

Nikhil R. Shah

.... Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. C.P. Palanichamy, Ravi Kiran, Counsel for the petitioner and upon hearing them, this Court delivered the following,

ORDER

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

2. Heard the learned counsel for the petitioner.

3. The Petitioner/Appellant herein is the accused in C.C.No.489/2016 on the file of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai. On 6.7.2022, judgment was pronounced in the above case and the petitioner/accused was found guilty u/s.138 of N.I. Act and she was convicted and sentenced to undergo simple imprisonment for two years and directed to pay double the cheque amount as compensation to the complainant within 1 month i/d. to undergo S.I. for 6 months.

4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

5. This court has also perused the memorandum of appeal. The appeal has been preferred without any delay. The trial court has suspended the sentence against the petitioner.

6. 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 Order. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for 2 years 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.

7. 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.

8. 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 her executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai. Further the petitioner 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.

9. The appeal has been made over to XXIII Additional Sessions Court, Chennai.

10. The appeal stands posted to 24.8.2022.

Delivered by me today in the open Court.

Principal Sessions Judge.

Copy to
Learned Metropolitan Magistrate, FTC-I, Egmore, Chennai.

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge

Wednesday, the 3rd day of August, 2022

Crl.M.P.No.13758/2022

in

C.A.No.162/2022

in

C.C.No.490/2016

(on the file of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai)

Varsha Jain

...Petitioner/Appellant/Accused

Vs.

Nikhil R. Shah

.... Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. C.P. Palanichamy, Ravi Kiran, Counsel for the petitioner and upon hearing them, this Court delivered the following,

ORDER

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

2. Heard the learned counsel for the petitioner.

3. The Petitioner/Appellant herein is the accused in C.C.No.490/2016 on the file of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai. On 6.7.2022, judgment was pronounced in the above case and the petitioner/accused was found guilty u/s.138 of N.I. Act and she was convicted and sentenced to undergo simple imprisonment for two years and directed to pay double the cheque amount as compensation to the complainant within 1 month i/d. to undergo S.I. for 6 months.

4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

5. This court has also perused the memorandum of appeal. The appeal has been preferred without any delay. The trial court has suspended the sentence against the petitioner.

6. 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 Order. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for 2 years 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.

7. 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.

8. 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 her executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai. Further the petitioner 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.

9. The appeal has been made over to XXIII Additional Sessions Court, Chennai.

10. The appeal stands posted to 24.8.2022.

Delivered by me today in the open Court.

Principal Sessions Judge.

Copy to
Learned Metropolitan Magistrate, FTC-I, Egmore, Chennai.

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Wednesday, the 3rd day of August, 2022**

Crl.M.P.No.13759/2022

in

C.A.No.163/2022

in

C.C.No.491/2016

(on the file of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai)

Varsha Jain

....Petitioner/Appellant/Accused

Vs.

Nikhil R. Shah

.... Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. C.P. Palanichamy, Ravi Kiran, Counsel for the petitioner and upon hearing them, this Court delivered the following,

ORDER

1. The petitioner seeks suspension of sentence pending disposal of the appeal.
2. Heard the learned counsel for the petitioner.
3. The Petitioner/Appellant herein is the accused in C.C.No.491/2016 on the file of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai. On 6.7.2022, judgment was pronounced in the above case and the petitioner/accused was found guilty u/s.138 of N.I. Act and she was convicted and sentenced to undergo simple imprisonment for two years and directed to pay double the cheque amount as compensation to the complainant within 1 month i/d. to undergo S.I. for 6 months.
4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.
5. This court has also perused the memorandum of appeal. The appeal has been preferred without any delay. The trial court has suspended the sentence against the petitioner.

6. 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 Order. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for 2 years 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.

7. 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.

8. 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 her executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-I, Egmore, Chennai. Further the petitioner 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.

9. The appeal has been made over to XXIII Additional Sessions Court, Chennai.

10. The appeal stands posted to 24.8.2022.

Delivered by me today in the open Court.

Principal Sessions Judge.

Copy to
Learned Metropolitan Magistrate, FTC-I, Egmore, Chennai.

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge

Wednesday, the 3rd day of August, 2022

Crl.M.P.No.13791/2022

in

C.A.No.165/2022

in

C.C.No.2297/2012

(on the file of learned VIII Metropolitan Magistrate, G.T., Chennai)

N. Hameed Hamsha @ Raja

.. Petitioner/Appellant/Accused

Vs.

State Rep. by

The Inspector of Police,(L&O)

C.1, Flower Bazaar Police Station,

Chennai.

.. Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. A. Nagarajan, R. Raghu Raj, S. Arockiaraj, A. Jagadeesh Chandra Bose, M. Mathan Raj, K. Meena, S. Jeevitha, V.S. Dinesh, Counsel for the petitioner/appellant and upon hearing the petitioner side arguments, this court delivered the following

ORDER

1. Heard.

2. The petitioner in the above case seeks suspension of sentence pending disposal of the appeal.

3. The petitioner/appellant herein is the accused in C.C.No.2297/2012 on the file of VIII Metropolitan Magistrate Court, G.T., Chennai. On 13.7.2022, a judgment was pronounced in the above case and the petitioner/accused was convicted u/s. 4 of TNPHW Act and he was sentenced to undergo R.I. for one year and to pay a fine of Rs.10,000/- i/d. to undergo S.I. for 2 months.

4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

5. This court has also perused the memorandum of appeal and the submission made by the petitioner's side. Fine amount has been paid. The trial court has suspended the sentence till 12.8.2022. As already stated supra, the Petitioner / Appellant /

Accused was ordered to undergo rigorous imprisonment for a period of one year 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. Considering the above facts, this Court is inclined to suspend the sentence of imprisonment.

6. 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 VIII Metropolitan Magistrate, G.T., Chennai.

7. The appeal has been made over to I Additional Sessions Court, Chennai.

8. The appeal stands posted to 24.8.2022.

Delivered by me today in the open court.

Principal Sessions Judge

Copy to

Learned VIII Metropolitan Magistrate, G.T., Chennai.

nmk

IN THE COURT OF SESSIONS AT CHENNAI

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

Principal Sessions Judge

Wednesday, the 3rd day of August, 2022

Crl.M.P.No.13676/2022

in

C.A.No.158/2022

in

C.C.No.1456/2011

(on the file of the learned Metropolitan Magistrate, FTC-IV, G.T., Chennai)

1. M/s. Jisha Fruits

No. T.D. 64, Anna Fruits Market,
Koyambedu, Chennai - 600 092.

2. Sajee Varghese

....Petitioners/Appellants/
Accused 1 & 3

Vs.

M/s. Anamika Amaravathi Trades and Investment Pvt. Ltd,
Rep. by V.S. Sukumar
No.88,(74), Armenian Stret,
Chennai - 1.

.... Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. Amalnath E.K, Alluri Lakshmi Narayanan, Bharath Murali, Counsel for the petitioners and upon hearing them, this Court delivered the following,

ORDER

1. The petitioners seek suspension of sentence pending disposal of the appeal.

2. Heard the learned counsel for the petitioners.

3. The Petitioners/Appellants herein are A1 and A3 in C.C.No.1456/2011 on the file of the learned Metropolitan Magistrate, FTC-IV, G.T., Chennai. On 1.7.2022, judgment was pronounced in the above case and both the petitioners/A1 and A3 were found guilty u/s.138 of N.I. Act and the 1st petitioner/A1 was convicted and sentenced to pay a fine of Rs.19,00,000/- to the complainant as compensation within a period of one month from the date of the judgment. The 2nd petitioner/A3 was convicted and sentenced to undergo simple imprisonment for 1 month and directed to pay a sum of Rs.5,00,000/- as compensation to the complainant within a month from the date of the judgment.

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

5. This court has also perused the memorandum of appeal. The appeal has been preferred without any delay. The trial court has suspended the sentence against the 2nd petitioner till 29.7.2022.

6. 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 Order. As already stated supra, the 2nd petitioner / 2nd appellant / A3 was ordered to undergo simple imprisonment for 1 month and in these circumstances, it may not be right to hold that the 2nd petitioner has to serve the sentence during the pendency of the appeal.

7. 1st petitioner/A1 is the company and the 2nd petitioner/A3 is the partner of 1st petitioner company. The fine amount of Rs.19,00,000/- imposed on the 1st petitioner/A1 towards compensation is payable by its Partner/2nd Petitioner/A3 along with the compensation amount of Rs.5,00,000/- imposed on the 2nd petitioner/A3. Considering the above facts and the value of the compensation amounts, this Court is inclined to suspend the sentence on condition to deposit 20% of the above said compensation amounts.

8. 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-IV, G.T., Chennai. Further the 2nd petitioner shall deposit 20% of the compensation amounts awarded to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.

9. The appeal has been made over to XXII Additional Sessions Court, Chennai.

10. The appeal stands posted to 23.8.2022.

Delivered by me today in the open Court.

Principal Sessions Judge.

Copy to
Learned Metropolitan Magistrate, FTC-IV, G.T., Chennai.