



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **R.PONGIAPPAN**

Crl.M.P.No.3737 of 2022

in Crl.RC.No.359 of 2022

S.S.Ravichandran

...Petitioner

Vs.

R.Sadasivam Nair

... Respondent

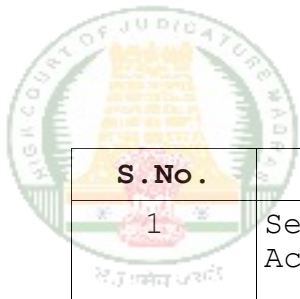
PRAYER: Criminal Miscellaneous Petitions filed under Section 397(1) r/w 439 of Cr.P.C to suspend the execution of the sentence in C.A.No.41 of 2019 dated 27.01.2020 on the file of the learned Principal Sessions Judge, Kanchepuram at Chengalpet in C.C.No.169 of 2017 on 28.02.2019 by the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level) Alandur and to enlarge the petitioner on bail pending disposal of the above revision petition.

For Petitioner : Mr.T.Muthukrishnan

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed by the learned Principal Session Judge, Kanchepuram at Chengalpet, in C.A.No.41 of 2019 dated 27.01.2020, by confirming the judgment and sentence passed in C.C.No.169 of 2017 dated 28.02.2019 by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, and enlarge the petitioner on bail pending disposal of the above revision petition

2. The petitioner herein is the accused in C.C.No.169 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur. He was found guilty of the offence under Section 138 of NI Act and she has been convicted and sentenced as under:



WEB COPY

S.No.	Conviction	Sentence
1	Section 138 of NI Act	to undergo simple imprisonment for a period of six months and to pay Rs.25,750/- as compensation to the complainant within 30 days, in default to undergo a simple imprisonment for a period of 15 days.

Aggrieved against the same, the petitioner had filed appeal in C.A.No.41 of 2019 and the learned Principal Session Judge, Kanchepuram at Chengalpet, by order dated 27.01.2020 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner, further this revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused shall deposit 50% of the cheque amount (Rs.25,750/-), namely Rs.12,875/- (Rupees twelve thousand eight hundred and seventy five only) to the credit of C.C.No.169 of 2017 before the trial court i.e., the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the trial court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of the criminal revision case. Thereafter, the petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)**



Copy To:

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S.T.MUTHUKRISHNAN Advocate on payment of necessary
charges SR.NO.4411

Order

in
CRL MP.3737/2022

in
CRL RC.359/2022

Date :23/03/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-23/03/2022