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CrI.M.P.No.8998 of 2022 in CrI.RC.No.1144 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.8998 of 2023

in

CrI.RC.No.1144 of 2023

R. Devaraj
ADHOC-ADV ERTIZING,
Door No.6, Christo Building,
near State Bank of India,
Udhagamandalam

... Petitioner

/vs/

1. N. Suresh
2. State, represented by its
Public Prosecutor of Nilgiris District,
Udhagamandalam,
The Nilgiris

... Respondents

Prayer : Criminal Miscellaneous Petition filed under sections 389 and 439 of Cr.P.C., to suspend the sentence imposed on the petitioner by the learned Sessions Judge of Magalir Neethimandram, (FTMC), Udhagamandalam at Nilgiris, by his judgment dated 08.08.2019 passed in C.A.No.119 of 2017, confirming the judgment dated 27.03.2017 passed in S.T.C.No.473 of 2014 on the file of the learned Judicial Magistrate at Udhagamandalam and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.



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For Petitioner

... Mr. A. Bobblie

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in STC.No.473 of 2014, dated 27.3.2017 by the learned Judicial Magistrate at Udthagamandalam at Nilgiris, which was confirmed by the judgment passed in C.A.No.119 of 2017, dated 08.08.2019 by the learned Sessions Judge of Magalir Neethimandram (FTMC), Udthagamandalam at Nilgiris and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in STC.No.473 of 2014 was convicted and sentenced by the trial court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for six months
		he was also ordered to pay dishonoured cheque amount of Rs.15,00,000/- to the complainant within one month from the date of judgment, failing which, to undergo one month SI.

The judgment of conviction and sentence imposed on the petitioner by the



trial court was confirmed by the Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam at Nilgiris in C.A.No.119 of 2017, dated 08.08.2019. Challenging the above conviction and sentence, the petitioner has filed Criminal Revision Case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

4. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence available on record.

5. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.



6. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

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- (i) The petitioner shall surrender before the Judicial Magistrate, Udhagamandalam, within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his executing an own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the above said court.
- (ii) The petitioner shall affix her photograph and Left Thumb Impression in the bond and the abovesaid Court may obtain a copy of her Aadhaar card or Bank pass Book to ensure her identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

30.06.2023

msr

To

1. The Sessions Judge, Magalir Neethimandram, (FTMC), Udhagamandalam, Nilgiris
2. The Judicial Magistrate, Udhagamandalam.



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V.SIVAGNANAM, J.

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