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Crl.M.P.No.19428 of 2022 in Crl.RC.No.1625 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19428 of 2022

in

Crl.RC.No.1625 of 2022

V. Jagadeesan

... petitioner

/vs/

S. Baskar

.. Respondent

For petitioner

... Mr. D.N. Dhurgasha

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to grant suspension of the conviction and sentence passed in Crl.A.No.458 of 2018 dated 4.7.2022 on the file of VII Additional Sessions Judge, Chennai, confirming the conviction and sentence passed in C.C.No.12570 of 2014, dated 30.07.2018 on the file of Metropolitan Magistrate, FTC-II, Allikulam, pending disposal of the Criminal Revision Petition.

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to grant suspension of the conviction and sentence passed in Crl.A.No.458 of 2018, dated 4.7.2022 by the VII Additional Sessions Judge, Chennai, confirming the conviction and sentence passed in C.C.No.12570 of 2014,



dated 30.07.2018, by the Metropolitan Magistrate, FTC-II, Allikulam, pending disposal of the Criminal Revision Petition.

2. The petitioner, who was sole accused in C.C.No.12570 of 2014 was convicted and sentenced by the Metropolitan Magistrate, FTC-II, Allikulam as follows:

<i>petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Single accused	Sec.138 of Negotiable Instruments Act, 1881.	To undergo one year SI; Further, he was directed to pay the complainant a sum of Rs.16,96,900/- as compensation under section 357 Cr.P.C., r/w.138 of Negotiable Instruments Act, in default in payment, to undergo SI for 3 months

3. Aggrieved over the above conviction and sentence passed by the trial court, the petitioner preferred Crl.A.No.458 of 2018 before the VII Additional Sessions Judge, Chennai, wherein, the conviction and sentence imposed by the trial court was confirmed by the Sessions Judge, by his judgment dated 4.7.2022. Against the judgment of the lower appellate court, the petitioner has preferred the present criminal revision along with the instant



miscellaneous petition, seeking suspension of sentence and bail.

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4. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal revision.

5. I have considered the submissions of the learned counsel for the petitioner and perused the impugned judgment.

6. 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 a view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

- (i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along



with two sureties, each, for a likesum to the satisfaction of Metropolitan Magistrate, Fast Track Court-II, Allikulam, Chennai.

- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

22.12.2022

msr

To

1. The Metropolitan Magistrate, Fast Track Court-II, Allikulam, Chennai.
2. The VII Additional Sessions Judge, Chennai.



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V.SIVAGNANAM, J.

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