



Crl.M.P.No.19751 of 2022 in Crl.R.C.No.1662 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19751 of 2022
in Crl.R.C.No.1662 of 2022

P.Balaraman

... Petitioner

Vs.

J.P.Johnraj

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Criminal Procedure Code to suspend the sentence imposed against the petitioner in Crl.A.No.31/2021 on the file of the Principal District and Sessions Judge, Tiruvannamalai, dated 28.10.2022 confirming the judgment of conviction passed in C.C.No.202/2019 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Tiruvannamalai District order dated 27.10.2021, pending disposal of the Criminal Revision Petition.

For Petitioner

: Mr.P.Saravanan

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.202 of 2019, vide judgement dated 27.10.2021, which was confirmed by the first Appellate Court in Crl.A.No.31/2021, vide judgment dated 28.10.2022, pending disposal of the



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Criminal Revision Petition.

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2. The learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Tiruvannamalai by judgment dated 27.10.2021 in C.C.No.202/2019, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and also directed him to pay a compensation of Rs.42,835/-, the amount due on the cheque to the complainant, in default, to undergo 2 months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.31 of 2021, which was also confirmed by the learned Principal District and Sessions Judge, Tiruvannamalai, vide judgment dated 28.10.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and the first Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. I have perused the impugned judgments and the materials on



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record.

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6. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and 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 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 like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Tiruvannamalai District.***

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

(iii) The petitioner shall appear before the Trial Court, as and when



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required.
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23.12.2022
(2/2)

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To

- 1.The Principal District and Sessions Judge, Tiruvannamalai District.
- 2.The Judicial Magistrate, Fast Track Court (Magistrate Level),
Tiruvannamalai.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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