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Crl.MP.No.19625 of 2022 in Crl. Rc.No.1648 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.19625 of 2022
in Crl.R.C.No.1648 of 2022

C.Afsal Ahamed

... Petitioner

Vs.

Thangaraj

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code to suspend the sentence of six months simple imprisonment passed in S.T.C.No.10 of 2018 on the file of the Judicial Magistrate (FTC) Vellore, Vellore District, vide order dated 10.03.2021 which was confirmed in Criminal Appeal in C.A.No.31 of 2021 vide judgment dated 30.09.2022 on the file of the Principal District and Sessions Judge, Vellore, Vellore District.

For Petitioner

: Mr.M.Sathish Kumar

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in STC No.10 of 2018, vide judgement dated 10.03.2021, which was confirmed by the first Appellate Court in Crl.A.No.31 of

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2021, vide judgment dated 30.09.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, (Fast Track Court), Vellore, by judgment dated 10.03.2021 in STC No.10/2018 convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and also directed him to pay a sum of Rs.3,70,000/- as compensation towards the cheque amount under Section 357(3) Cr.P.C., within two months, in default, to undergo 2 months simple imprisonment. Challenging the above judgment of conviction, the petitioner preferred an appeal in Crl.A.No.31 of 2021, which was also confirmed by the learned Principal District and Sessions Judge, Vellore, Vellore District, vide judgment dated 30.09.2022.

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



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points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

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

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, Vellore.*



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(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 required.

23.12.2022
(2/3)

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To

- 1.The Principal District and Sessions Judge,
Vellore, Vellore District.
- 2.The Judicial Magistrate (FTC), Vellore.
- 3.The Public Prosecutor, Madras High Court.



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V.SIVAGNANAM, J.,

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