



Crl.MP.No.19620 of 2022 in Crl. Rc.No.1645 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.19620 of 2022

in

Crl.Rc.No.1645 of 2022

V.Kalasalingam

... Petitioner

Vs.

P.Chinnaraj

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C. to suspend the sentence of the order dated 11.11.2022 passed in C.A.No.93 of 2020 by the VII Additional District and Sessions Court, Chennai by confirming the order dated passed by the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level IV, George Town, Chennai in C.C.No.838 of 2017 dated 16.03.2020 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

For Petitioner

: Mr.A.Balasingh Ramanujam



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Crl.MP.No.19620 of 2022 in Crl. Rc.No.1645 of 2022

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.838 of 2017, vide judgement dated 16.03.2020, which was confirmed by the first Appellate Court in C.A.No.93 of 2020, vide judgment dated 11.11.2022, pending disposal of the Criminal Revision Petition.

2. The learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai, by judgment dated 16.03.2020 in C.C.No.838 of 2017, convicted the petitioner/accused for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 10 months simple imprisonment and also directed him to pay a compensation of Rs.4,43,500/- to the complainant under Section 357(3) Cr.P.C, within one month, in default, to undergo 2 months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in C.A.No.93 of 2020, which was also confirmed by the learned VII Additional District and Sessions Court, Chennai, vide judgment dated 11.11.2022.



Crl.MP.No.19620 of 2022 in Crl. Rc.No.1645 of 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 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



Crl.MP.No.19620 of 2022 in Crl. Rc.No.1645 of 2022

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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 Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai*

(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
(2/2)

mst

To

1. VII Additional District and Sessions Court, Chennai.
2. Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai
3. The Public Prosecutor, Madras High Court.

4 of 5



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Crl.MP.No.19620 of 2022 in Crl. Rc.No.1645 of 2022

V.SIVAGNANAM, J.,

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Crl.M.P.No.19620 of 2022

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Crl.Rc.No.1645 of 2022

23.12.2022

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