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CrI.M.P.No.19536 of 20__
in
CrI.R.C.No.1633 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.19536 of 2022

in

CrI.R.C.No.1633 of 2022

1.K.Jaya Prabha
2.G.K.Kalairajan

.. Petitioners

/versus/

G.Sundar

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., praying to suspend the sentence on the petitioners imposed in the judgment dated 04.11.2021 in C.A.No.204/2021 on the file of the XXIII Additional Judge, City Civil Court, Chennai confirming the judgment and sentence dated 02.12.2021 in C.C.No.11565/2014 of the XIX Metropolitan Magistrate, Allikullam, Chennai 600 003, and to enlarge the petitioners on bail pending disposal of the Criminal Revision Case before this Hon'ble High Court.

For Petitioners

... Mr.P.Selvaraj



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ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend judgment of conviction and sentence passed by the XXIII Additional Judge, City Civil Court, Chennai in C.A.No.204 of 2021 dated 04.11.2021 by confirming the judgment of conviction and sentence passed by the XIX Metropolitan Magistrate, Allikullam, Chennai in C.C.No.11565 of 2014 dated 02.12.2021, pending criminal revision case.

2. The petitioners, who were accused 1 and 2 in C.C.No.11565 of 2014 were convicted and sentenced by the XIX Metropolitan Magistrate, Allikullam, Chennai, which reads as follows:

<i>Petitioners' Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Accused 1 and 2	Section 138 of the Negotiable Instruments Act, 1881	To undergo Simple Imprisonment for six months and to pay compensation of Rs.2,00,000/- together with interest at the rate of 9% p.a., from the date of complaint till the date of judgment, failing which, to undergo Additional Simple Imprisonment for eight weeks

3. Aggrieved against the judgment of conviction and sentence



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imposed on the petitioners, they preferred an appeal in C.A.No.204 of 2021 on the file of the XXIII Additional Judge, City Civil Court, Chennai and the same was dismissed by confirming the judgment of the trial Court. Against which, they preferred the present criminal revision case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioners.

5. The learned counsel for the petitioners submitted that the judgment of the trial Court is contrary to law, weight of evidence and probabilities of the case; there are arguable points in this revision and the petitioners have every chance of succeeding the revision. Thus, they prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

6. The petitioners have raised substantial grounds in the revision which requires detailed appraisal. Further, the revision petition 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 petitioners are entitled to the relief of suspension of sentence and bail.



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

- (i) The petitioners shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, each of the petitioners 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 XIX Metropolitan Magistrate, Allikullam, Chennai;
- (ii) The sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- (iii) The petitioners shall appear before the trial Court as and when required.

22.12.2022

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Note: Issue Today
To

1. The XXIII Additional Judge, City Civil Court, Chennai.
2. The XIX Metropolitan Magistrate, Allikullam, Chennai.



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V.SIVAGNANAM, J.

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