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Crl.M.P.No.19564 of 2022 in Crl.R.C.No.1638 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19564 of 2022

in

Crl.R.C.No.1638 of 2022

Sabapathi, M/52 years
S/o Alappan
Record Clerk
Judicial Magistrate No.II,
Dharmapuri District.

... Petitioner

/vs/

Madhavarajan

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under Sections 397(1) r/w 389 (1) of Cr.P.C to suspend the sentence made in Criminal Appeal No.12 of 2016 dated 27.09.2022 on the file of the Principal Sessions Judge, Dharmapuri in confirming the judgment made in S.T.C.No.39 of 2015 dated 21.09.2016 on the file of the Judicial Magistrate, Fast Track Court, Dharmapuri and enlarge the petitioner on bail pending disposal of the Crl.R.C.No.1638 of 2022 on the file of the Hon'ble Court.

For petitioner

... Mr. V.Sakkarapani



ORDER

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2. The petitioner, who was the sole accused in S.T.C.No.39 of 2015 was convicted and sentenced by the Judicial Magistrate, Fast Track Court, Dharmapuri, which reads as follows:-

<i>petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Section 138 of NI Act, 1881	To undergo one year SI and to pay compensation of Rs.6,00,000/- within a period of one month and in default, to undergo SI for further two months.

3. Aggrieved over the same, the petitioner has preferred an appeal in C.A.No.12 of 2016 on the file of the Principal Sessions Judge, Dharmapuri and the same was dismissed by confirming the judgment of the trial Court.



Against which, he 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 petitioner

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

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 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 to the petitioner 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



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- the Judicial Magistrate, Fast Track Court, Dharmapuri;
- (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.
- (iii) The petitioner shall appear before the trial Court as and when required.

22.12.2022

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Note: Issue order copy today

To

1. The Principal Sessions Judge, Dharmapuri.
2. The Judicial Magistrate, Fast Track Court, Dharmapuri.



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V.SIVAGNANAM, J.

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