



CrI.M.P.No.19624 of 2022 in CrI.R.C.No.1647 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.19624 of 2022
in CrI.R.C.No.1647 of 2022

K.Pradeep

... Petitioner

Vs.

V.Ananthan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 (1) r/w 439 of Criminal Procedure Code, pleaded to suspend the sentence of imprisonment passed in S.T.C.No.45 of 2016, by the learned Fast Track Judicial Magistrate, Coonoor, dated 20.04.2018, confirmed in C.A.No.81 of 2018, by the Learned Sessions Judge of The Nilgiris at Udthagamandalam, dated 31.03.2022 and enlarge him on Bail, pending disposal of the Criminal Revision Petition.

For Petitioner

: Mr.K.V.Sridharan

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in STC No.45 of 2016, vide judgement dated 20.04.2018, which was confirmed by the first Appellate Court in



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Crl.A.No.81/2018 vide judgment dated 31.03.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Fast Track Court, Coonoor, The Nilgiris, by judgment dated 20.04.2018 in STC No.45 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and also directed him to pay the cheque amount of Rs.88,000/- as compensation to the complainant under Section 357(3) of Cr.P.C., in default, to undergo one month simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.81 of 2018, which was also confirmed by the learned Sessions Judge, the Nilgiris at Udthagamandalam, vide judgment dated 31.03.2022.

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.



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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 Fast Track Judicial Magistrate, Coonoor.*



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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.

23.12.2022
(2/4)

mst

To

- 1.The Sessions Judge, the Nilgiris at Udhagamandalam.
- 2.The Judicial Magistrate, Fast Track Court, Coonoor.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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