



Crl.M.P.No.19731 of 2022 in Crl.R.C.No.1660 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.19731 of 2022
in Crl.R.C.No.1660 of 2022

Sundari

... Petitioner

Vs.

K.T.Selvaraju

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) read with 439 of Criminal Procedure Code, pleaded to suspend the sentence of imprisonment imposed in the judgment dated 15.12.2022 made in Crl.A.No.13 of 2019 on the file of the Learned Principal District and Sessions Court, Ariyalur confirming the conviction imposed in judgment dated 22.08.2019 made in S.T.C.No.708 of 2014 on the file of the Learned Judicial Magistrate No.1, Jayankondam by allowing this Criminal Revision petition and to enlarge the petitioner on bail.

For Petitioner : Mr.M.Guruprasad

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in STC No.708/2014, vide judgement dated 22.08.2019, which was confirmed by the first Appellate Court in Crl.A.No.13/2019 vide judgment dated 15.12.2022, pending disposal of the



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Criminal Revision Petition.

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2. The learned Judicial Magistrate-I, Jayankondam, by judgment dated 22.08.2019 in STC No.708/2014, 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.6,00,000/- as compensation to the complainant under Section 357(3) of Cr.P.C. within 2 months, in default, to undergo 2 months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.13/2019, which was also confirmed by the learned Principal District and Session Judge, Ariyalur, vide judgment dated 15.12.2022.

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



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record.

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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 No.I, Jayankondam.*

(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.



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(iii) The petitioner shall appear before the Trial Court, as and when required.

23.12.2022
(2/3)

mst

To

- 1.The Principal District and Sessions Judge, Ariyalur.
- 2.The Judicial Magistrate No.1, Jayankondam.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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