



WEB COPY



Crl.O.P.No.32586 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

CORAM

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.32586 of 2022

G.Lakshmanan

... Petitioner

Vs.

V.V.Ramani

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to set aside the order in Crl.M.P.No.25768 of 2022 in Crl.A.No.376 of
2022 passed by the learned Principle Sessions Judge, Chennai dated
23.12.2022.

For Petitioner : Mr.R.Karunkaran

ORDER

This Criminal Original Petition has been filed by the petitioner,
seeking to set aside the order passed by the learned Principle Sessions Judge,
Chennai vide order dated 23.12.2022.



Crl.O.P.No.32586 of 2022

WEB COPY

2. The conviction and sentence imposed against the petitioner is as follows:-

<i>Under Section</i>	<i>Sentence</i>
138 of N.I Act	six months simple imprisonment and shall pay a sum of Rs.53,00,000/- (Rupees Fifty three lakhs only) as compensation to the complainant within one month in default to undergo two months simple imprisonment.

3. According to the learned counsel for the petitioner, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner has got a fair chance of succeeding in the Criminal Appeal. Thereby, the petitioner has filed a petition in Crl.M.P.No.25768 of 2022 to suspend the conviction and sentence imposed by the learned FTC-II, Metropolitan Magistrate, Egmore, Chennai in C.C.No.3911 of 2017 vide order dated 02.12.2022. Whereas, the miscellaneous petition was dismissed for default. Thereby, the petitioner seeks for setting aside of the order passed by the Trial Court in Crl.M.P.No.25768 of 2022 dated 23.12.2022 and hence, the sentence imposed against the petitioner



Crl.O.P.No.32586 of 2022

may be suspended and the petitioner may be enlarged with bail. He further submitted that the trial Court has suspended the sentence till 30.12.2022.

4. Heard the learned counsel for the petitioner and also perused the materials available on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the order made in Crl.M.P.No.25768 of 2022 dated 23.12.2022 stands set aside and the Criminal Original Petition stands allowed. Thereby, the sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner shall execute 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 Court - II, Metropolitan Magistrate, Egmore at Allikulam, Chennai - 3;



Crl.O.P.No.32586 of 2022

WEB COPY

- ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

6. Accordingly, the Criminal Original Petition stands allowed.

28.12.2022

ham

To

The Fast Track Court - II,
Metropolitan Magistrate,
Egmore, Allikulam, Chennai - 3:



WEB COPY



Crl.O.P.No.32586 of 2022

A.A.NAKKIRAN.,J.

ham

Crl.O.P.No.32586 of 2022

28.12.2022