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Crl.M.P.No.202 of 2023 in Crl.R.C.No.41 of 2023

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in Crl.R.C.No.41 of 2023

V.SIVAGNANAM,J.

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.I, Tindivanam in C.C.No.288 of 2016, vide judgement dated 20.11.2021, which was confirmed by the learned II Additional District Judge, Tindivanam in Crl.A.No.40 of 2021, vide judgment dated 08.11.2022, pending disposal of the Criminal Revision Case.

2. The Trial Court, by judgment dated 20.11.2021 in C.C.No.288 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months Simple Imprisonment and to pay a sum of Rs.3,00,000/- as compensation under Section 357(3) of Cr.P.C. to the complainant, in default simple imprisonment for one month. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.40 of 2021, which was also confirmed by the first appellate Court, vide judgment dated 08.11.2022.



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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 Case and hence, prayed for suspension of sentence.

5. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.



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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 own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Tindivanam.***

(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.

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

09.01.2023

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