



*Crl.MP No.2596 of 2023 in
Crl.RC No.317 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.2596 of 2023 in
Crl.RC No.317 of 2023**

R.Boopathi

... Petitioner

Vs.

P.Venkatesan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. to suspend the sentence imposed in STC No.1115 of 2015 on the file of Judicial Magistrate No.I, Sankari dated 30.12.2019, confirmed by the judgment made in C.A.No.10/2020 on the file of Principal Sessions Judge, Salem dated 16.04.2021.

For Petitioner

: Mr.T.Muruganantham

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Trial Judge, vide judgment passed in STC.No.1115/2015 dated 30.12.2019, which was confirmed by the Lower Appellate Court, vide judgment passed in Crl.A.No.10/2020 dated 16.04.2021, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate No.I, Sankari, vide judgment passed in STC.No.1115 of 2015 dated 30.12.2019, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to pay a sum of Rs.5,00,000/- as compensation under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.10/2020, which was also confirmed by the learned Principal Sessions Judge, Salem, vide judgment dated 16.04.2021.

3. Challenging the conviction and sentence slapped by the Trial Court and the lower 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



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5. Heard the learned counsel appearing for the petitioner and I have 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 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 Judicial Magistrate No.1, Sankari,*** 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 Judicial Magistrate No.1, Sankari.***

(ii) The petitioner shall affix his photograph and Left Thumb



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Impression in the bond and the above said Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

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

23.02.2023

(2/3)

Index: Yes/No
Internet: Yes/No
mst

To

1. The Principal Sessions Judge, Salem.
2. The Judicial Magistrate No.1, Sankari.



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V.SIVAGNANAM, J.

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