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Crl.M.P.No.370 of 2023 in Crl.R.C.63 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.370 of 2023 in
Crl.R.C.No.63 of 2023

Geetha Ramasamy

... Petitioner

Vs.

Krishnan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 r/w 401 of Cr.P.C. to suspend the sentence imposed on the petitioner in Crl.A.No.20 of 2021 by the III Additional District and Sessions Judge, Coimbatore dated 29.11.2022 confirming the Judgment made in C.C.No.80 of 2019 by the Judicial Magistrate, Fast Track Court at Magisterial Level-I at Coimbatore dated 28.12.2020 to undergo simple imprisonment for a period of 6 months and further direct the accused to pay the cheque amount of Rs.8,00,000/- (Rupees Eight Lakhs) payable to the complainant within 2 months from the date of Judgment, failing which to undergo two months simple imprisonment and enlarge the petitioner on bail till the disposal of the above Criminal Revision petition.

For Petitioner : Mr.K.J.Nithianandam



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.20 of 2021 by the III Additional District and Sessions Judge, Coimbatore dated 29.11.2022 confirming the Judgment made in C.C.No.80 of 2019 by the Judicial Magistrate, Fast Track Court at Magisterial Level-I at Coimbatore dated 28.12.2020 to undergo simple imprisonment for a period of 6 months and further direct the accused to pay the cheque amount of Rs.8,00,000/- (Rupees Eight Lakhs) payable to the complainant within 2 months from the date of Judgment, failing which to undergo two months simple imprisonment and enlarge the petitioner on bail till the disposal of the above Criminal Revision petition.

2. The learned Judicial Magistrate, Fast Track Court at Magisterial Level-I at Coimbatore vide order dated 28.12.2020 in C.C.No.80 of 2019 convicted the accused for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for the period of 6 months and the accused is directed to pay the cheque amount of Rs.8,00,000/- (Eight Lakhs Only) payable to the complainant within 2 months from the date of Judgment, failing which undergo two months simple



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imprisonment. Challenging the same the petitioner preferred an appeal in Crl.A.No.20 of 2021 which was confirmed by the III Additional District and Sessions Judge, Coimbatore dated 29.11.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and the Lower 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. 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 Petition, 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 a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court at Magisterial Level- No.1, at Coimbatore.*

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

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

11.01.2023

(1/2)

Index:Yes/No

Internet:Yes/No

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To

1.The III Additional District and Sessions Judge, Coimbatore



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2. The Judicial Magistrate, Fast Track Court at Magisterial Level-I at Coimbatore.
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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