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*Crl.M.P.No.251 of 2023 in
Crl.Rc.No.45 of 2023*

**Crl.M.P.No.251 of 2023 in
Crl.RC No.45 of 2023**

V.SIVAGNANAM. J.,

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in STC No.572/2019, vide judgement dated 29.04.2022, which was confirmed by the first appellate Court in Crl.A.No.77/2022, vide judgment dated 22.11.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate No.1, Bhavani, by judgment dated 29.04.2022 passed in STC No.572/2019, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 1 year simple imprisonment and to pay the cheques amount, i.e. Rs.2,00,000/- and Rs.3,00,000/- (totally Rs.5,00,000) as compensation under Section 357(3) of Cr.P.C. to the complainant, within a period of 3 months from the date of receipt of the copy of the judgment, in default, to undergo 3 months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.77/2022, which was also confirmed by the learned IV Additional District and Sessions Judge, Erode District at Bhavani, vide judgment dated 22.11.2022.

3. Challenging the conviction and sentence slapped by the Trial



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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. 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.

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*



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a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate No.1, Bhavani

(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.

09.01.2023

(1/2)

Note: Issue order copy on 10.01.2023

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The IV Additional District and Sessions Judge,
Erode District at Bhavani
2. The Judicial Magistrate No.1, Bhavani
- 3.The Public Prosecutor, High Court, Madras.



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