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Crl.M.P.No.8254 of 2023 in Crl.RC.No.1041 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.8254 of 2023
in Crl.RC.No.1041 of 2023

R.Neelakandan

... Petitioner

/vs/

B.S.Radhakrishnan
Respondent

..

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence imposed by the order dated 05.01.2022 made in Crl.Appeal No.301 of 2019 on the file of the XX Additional Sessions Judge, Chennai by confirming the judgment of the Metropolitan Magistrate, Fast Track Court-IV at George Town, Chennai passed in C.C.No.02 of 2017 on 31.07.2019 and enlarge the petitioner on bail.

For Petitioner ... Mr. S.Senthilvel

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Metropolitan Magistrate, Fast Track



Court-IV (Magisterial Level), George Town, Chennai in C.C.No.02 of 2017, vide judgement dated 31.07.2019, which was confirmed by the learned XX Additional Sessions Judge, Chennai in Crl.A.No.301 of 2019, vide judgement dated 05.01.2022, pending disposal of the Criminal Revision Petition.

2. The trial Court, by its judgment dated 31.07.2019 convicted and sentenced the petitioner/accused as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for ten months and to pay a compensation of Rs.1,00,000/-, in default, to undergo further period of two months SI.

3 Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.301 of 2019 on the file of the XX Additional Sessions Court at Chennai and the learned XX Additional Sessions Judge, Chennai, vide judgment dated 05.01.2022, confirmed the judgment of the trial Court.



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4.Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

5.The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

6.Head the learned counsel for the petitioner and perused the materials available on record.

7.The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to



be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai 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 Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the concerned Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and



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

20.06.2023

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To

1. The XX Additional Sessions Judge, Chennai.
2. The learned Metropolitan Magistrate,
Fast Track Court-IV(Magisterial Level), George Town, Chennai



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V.SIVAGNANAM, J.

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