



*Crl.MP No.2313 of 2023 in
Crl.RC.279 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.MP No.2313 of 2023 in
Crl.RC.No.279 of 2023

Mr.Narayanan Kutty

... Petitioner

Vs.

Annie Thomas

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) & (2) Cr.P.C to suspend the sentence imposed on the petitioner on 01.12.2022 in CA.No.23 of 2022 by the learned VII Additional District and Sessions Judge confirming the conviction and sentence passed by the learned Metropolitan Magistrate (Fast Track Court III), Saidapet, Chennai on 22.01.2022 in CC No.4738 of 2016 and to enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

For Petitioner

: Mr.K.Indumathy

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.4738 of 2016, vide judgement dated 22.01.2022, which was confirmed by the lower appellate Court in C.A.No.23



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of 2022, vide judgement dated 01.12.2022, pending disposal of the Criminal Revision Petition.

2. The learned Metropolitan Magistrate (Fast Track Court III), Saidapet, Chennai, vide judgment dated 22.01.2022 passed in C.C.No.4738 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 the cheque amount 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.23 of 2022, which was also confirmed by the learned VII Additional District and Sessions Judge, vide judgment dated 01.12.2022.

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 suspension of sentence.



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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 learned Metropolitan Magistrate (Fast Track Court III), Saidapet, 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 III), Saidapet, Chennai.

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



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

16.02.2023

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To

- 1.The learned Metropolitan Magistrate (Fast Track Court III), Saidapet, Chennai
- 2.The VII Additional District and Sessions Judge, Chennai
2. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**Crl.M.P.No.2313 of 2023 in
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