



Crl.M.P.No.2005 of 2023 in Crl.R.C.No.248 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2005 of 2023

in

Crl.R.C.No.248 of 2023

M.Akber Ali

...

Petitioner

Vs.

K.Suresh

...

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in judgement of conviction imposed in the judgement dated 10.09.2020 made in C.A.No.73 of 2019 on the file of the learned Principal District and Sessions Judge, Namakkal by confirming the judgement of conviction passed in S.T.C.No.206 of 2017 by Hon'ble Judicial Magistrate (FTC), Tiruchengode and may enlarge the petitioner on bail pending Criminal Revision.

For Petitioner : Mr.V.Bhagyaraj

For Respondent : Mr.S.Balaji
No appearance



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ORDER

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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.206 of 2017, vide judgement dated 06.11.2019, which was confirmed by the lower appellate Court in C.A.No.73 of 2019, vide judgement dated 10.09.2020, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate Fast Track Court, Tiruchengode, vide judgment dated 06.11.2019 passed in S.T.C.No206 of 2017, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and directed to pay Rs.7,00,000/- as compensation within a period of one month under Section 357(3) of Cr.P.C. to the complainant in default to undergo simple imprisonment for one month. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.73 of 2019, which was also confirmed by the learned Principal Sessions Judge, Namakkal vide judgment dated 10.09.2020.

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



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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 is directed to be enlarged on bail on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the Superintendent, Central Prison, Coimbatore.



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(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Superintendent 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.

Index:Yes/No
Internet:Yes/No
sms

13.02.2023

To

1. The learned Principal District and Sessions Judge, Namakkal
2. The learned Judicial Magistrate (FTC), Tiruchengode.
3. The Superintendent, Central Prison, Coimbatore.



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V.SIVAGNANAM, J.

sms

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