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Crl.MP.No.3986 of 2023
in Crl.RC.No.805 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.MP.NO.3986 OF 2023

IN

CRL.RC.NO.805 OF 2022

A.Gopal

... Petitioner

Vs.

1.R.Thangapandi

2.State Rep. By its

Public Prosecutor

Coimbatore District – 641 018.

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 25.04.2022 made in Crl.A.No.95 of 2019 on the file of IV Additional District and Sessions Judge at Coimbatore, confirming the conviction imposed in judgment dated 13.02.2019 made in C.C.No.265 of 2014 on the file of the Judicial Magistrate, Fast Track Court No.2 @ Magisterial Level, Coimbatore and enlarge the petitioner on bail pending disposal of the above revision petition.

For Petitioner : Mr.T.Sundaravadanam

For Respondent-2 : Mr.R.Vinoth Raja

Government Advocate (Criminal side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence of imprisonment imposed in the judgment dated 25.04.2022 made in CrI.A.No.95 of 2019 on the file of IV Additional District and Sessions Judge at Coimbatore, confirming the conviction imposed in judgment dated 13.02.2019 made in C.C.No.265 of 2014 on the file of the Judicial Magistrate, Fast Track Court No.2 @ Magisterial Level, Coimbatore and enlarge him on bail pending disposal of the above revision petition.

2.The Trial Court, by its order dated 13.02.2019, passed in C.C.No.265 of 2014, convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.5,00,000/- (Rupees Five Lakhs Only) with interest at 6% per annum from the date of cheque to the complainant, within one month from the date of judgment and in default, undergo 3 months simple imprisonment.



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3.The Lower Appellate Court has also confirmed the said order, by its judgment dated 25.04.2022, in CrL.A.No.95 of 2019.

4.Challenging the judgment of conviction and sentence, the petitioner preferred the present Criminal Appeal along with the instant petition, seeking to suspend the sentence of imprisonment.

5.The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

6.Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

7.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 Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

8. Accordingly, it is ordered as follows.



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(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 own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.2 @ Magisterial Level, 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.

20.03.2023

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To

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- 1.The IV Additional District and Sessions Judge
Coimbatore.
- 2.The Judicial Magistrate
Fast Track Court No.2 @ Magisterial Level
Coimbatore.
- 3.The Public Prosecutor
High Court of Madras
Chennai.



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V.SIVAGNANAM, J.

TK

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