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Crl.M.P.No.2384 of 2023 in Crl.R.C.No.289 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.2384 of 2023

in

Crl.R.C.No.289 of 2023

Selvarasu

... Petitioner

Vs.

Raja

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(2) & 439 of Cr.P.C. to suspend the execution of the sentence dated 14.11.2016 in S.T.C.No.288 of 2014 passed by the learned Judicial Magistrate-I, Ariyalur confirmed by the order passed by the Principal District and Sessions Judge, Ariyalur dated 10.01.2019 passed in Crl.A.No.28 of 2016 against the petitioner/revision petitioner who is remanded to judicial custody after judgment to be released on bail pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.A.V.Raja

For Respondent : Mr.M.Sudhan



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ORDER

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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate-I, Ariyalur, in S.T.C.No.288 of 2014 vide order dated 14.11.2016, which was confirmed by the Principal District and Sessions Judge, Ariyalur, in Crl.A.No.28 of 2016, vide judgment dated 10.01.2019, pending disposal of the Criminal Revision Case.

2. The Trial Court, by judgment dated 14.11.2016 in S.T.C.No.288 of 2014, convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and imposed to pay a sum of Rs.3,00,000/- as compensation under Section 357 of Cr.P.C. Challenging the above order, the petitioner preferred an appeal in Crl.A.No.28 of 2016, which was also confirmed by the first appellate Court vide judgment dated 10.01.2019.



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3. Challenging the conviction and sentence slapped by the Trial 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 case and hence, prayed for suspension of sentence.

5. Heard the learned counsel for the petitioner and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsel 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.



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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 own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the Superintendent, Central Prison, Trichy.*

(ii) The petitioner shall affix his photographs and Left Thumb Impression in the surety bond and the Superintendent, Central Prison, Trichy 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.

16.02.2023
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Note: Issue Today

To

- 1.The Chief Judicial Magistrate-I, Ariyalur.
- 2.The Superintendent, Central Prison, Trichy.

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V.SIVAGNANAM, J.,

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