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Crl.M.P.No.4316 of 2023 in Crl.RC No.576 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.4316 of 2023 in
Crl.RC No.576 of 2023

C.Rajamannar

... Petitioner

Vs.

Dayanithi

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code to suspend the sentence and enlarge the petitioner on bail in connection with the Crl.A.No.14 of 2019 dated 25.08.2022 by the learned III Additional Sessions Judge, Vellore @ Tirupattur in confirming the order in S.T.C.No.103/2017 on the file of the Additional District Munsif cum Judicial Magistrate, Ambur dated 22.01.2019, pending disposal of the Revision petition.

For Petitioner

: Mr.T.Arul

For Mr.T.Saravanan

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.103/2017, vide judgement dated 22.01.2019, which was confirmed by the first appellate Court in Crl.A.No.14 of 2019, vide judgment dated 25.08.2022, pending disposal of the Criminal



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Revision Petition.

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2. The learned Additional District Munsif cum Judicial Magistrate, Ambur, by judgment dated 22.01.2019 in S.T.C.No.103/2017, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo five months simple imprisonment and to pay a sum of Rs.2,90,000/- as compensation under Section 357(3) of Cr.P.C. to the complainant within two months from the date of judgment, in default S.I., for 2 months. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.14/2019 before the learned III Additional Sessions Judge, Vellore @ Tirupattur, and the the learned III Additional Sessions Judge vide judgment dated 25.08.2022, confirmed the judgment of the Trial Court.

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 Petition and hence, prayed for suspension of sentence.

5. Heard the learned counsel appearing for the petitioner and perused



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the impugned judgments and the materials on record.

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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 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 Additional District Munsif cum Judicial Magistrate, Ambur.*

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

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



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required.
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28.03.2023
(1/3)

Index: Yes/No
Internet: Yes/No
rpl

To

- 1.The Additional District Munsif cum Judicial Magistrate, Ambur.
2. The III Additional Sessions Judge, Vellore @ Tirupattur



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V.SIVAGNANAM, J.

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