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Crl.M.P.No.1861 of 2023 in Crl.R.C.No.231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM

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

Crl.M.P.No.1861 of 2023

in

Crl.R.C.No.231 of 2023

C.Nagalingam

... Petitioner

Vs.

M.Arvind Bagrecha

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence dated 29.10.2021 passed in C.C.No.526 of 2016 against the petitioner/appellant by the VIII Metropolitan Magistrate, George Town, Chennai, pending disposal of the above revision case.

For Petitioner : Mr.K.B.Gopi

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the VIII Metropolitan Magistrate, George Town, Chennai, in



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C.C.No.526 of 2016, vide judgement dated 29.10.2021, which was confirmed by the XVIII Additional Sessions Judge, Chennai, in Crl.A.No.181 of 2021, vide judgment dated 04.11.2022, pending disposal of the Criminal Revision Petition.

2. The Trial Court, by judgment dated 29.10.2021 in C.C.No.526 of 2016, convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a sum of Rs.3,50,000/- as compensation under Section 357(3) of Cr.P.C., to the complainant within 3 months, in default, to undergo 6 months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.181 of 2021, which was also confirmed by the first appellate Court vide judgment dated 04.11.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and the first 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 Case. Hence, prayed for suspension of sentence.

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

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

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 *executing own bond for a*



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sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the

VIII Metropolitan Magistrate Court, George Town, Chennai.

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

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

09.02.2023

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To

- 1.The VIII Metropolitan Magistrate, George Town, Chennai.
2. The XVIII Additional Sessions Judge, Chennai.



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V.SIVAGNANAM, J.,

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