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CrI.M.P.No.1912 of 2023 in CrI.RC.No.234 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.02.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.1912 of 2023

in

CrI.RC.No.234 of 2023

Mr. Gopi

... Petitioner

/vs/

Mr.S.Babu

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 r/w.389(i) of Cr.P.C., to suspend the sentence passed against the petitioner by the II Additional City Civil and Sessions Court, Chennai in C.A.No.199 of 2019 on 29.11.2022, confirming the judgment of conviction and sentence passed by the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai in C.C.No.1455 of 2016, dated 27.04.2019.

For Petitioner

... Mr. J.N. Naresh Kumar

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.1455 of 2016, dated 27.04.2019 by the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, which was confirmed by the II Additional City Civil and Sessions Court, Chennai in C.A.No.199 of 2019, dated 29.11.2022 and



enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2. The trial court, by its judgment dated 27.04.2019, in C.C.No.1455 of 2016, convicted and sentenced the petitioner/sole accused as follows:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo ten months SI and to pay a compensation of Rs.8,00,000/-, being the cheque amount, with interest at the rate of 9% per annum from the date of dishonour, to the complainant within one month, in default of payment of compensation, to undergo a further period of two months SI.

Aggrieved against the conviction and sentence imposed by the trial court on the petitioner, he preferred appeal in Crl.A.No.199 of 2019 before the II Additional City Civil and Sessions Court, Chennai, who, by his judgment dated 29.11.2022, confirmed the conviction and sentence imposed by the trial court.

3. Challenging the above conviction and sentence, the petitioner has filed the present Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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4. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

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

6. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such a view of the matter, this Court is inclined to grant the relief of suspension of sentence and bail to the petitioner till the disposal of the criminal revision case.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Trial Court within



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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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the Trial Court.

- (ii) The petitioner shall affix their photograph and Left Thumb Impression in the bond and the trial Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

10.02.2023

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To

1. The II Additional City Civil and Sessions Court,
Chennai
2. The Metropolitan Magistrate, Fast Track Court No.IV,
George Town, Chennai.

V.SIVAGNANAM, J.



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