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Crl.M.P.No.10300 of 2023
in Crl.R.C.No.1275 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.10300 of 2023 in
Crl.R.C. No.1275 of 2023

C.Milton Stebakumar

...Petitioner

VS.

C.Venkat

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed by the judgment dated 22.02.2022 passed in C.A.No.90/2019 on the file of the Principal District and Sessions Court, Chengalpattu confirming the judgment dated 23.10.2019 passed in C.C.No.58/2018 on the file fo the Judicial Magistrate Court (Fast Track Court), Alandur, Chengalpattu District, pending disposal of the above revision petition.

For Petitioner : Mr.M.Karthik

ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the Principal District and Sessions Court, Chengalpattu in C.A.No.90/2019 on 22.02.2022 confirming the conviction and sentence



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passed by the learned Judicial Magistrate Court (Fast Track Court), Alandur, Chengalpattu District dated 23.10.2019 in C.C. No.58/2018 and to enlarge the petitioner on bail.

2. The petitioner is the accused in C.C.No.58/2018 before the Judicial Magistrate Court (Fast Track Court), Alandur, Chengalpattu District and he was convicted and sentenced on 23.10.2019 as under:

S.No.	Offences under which convicted	Sentence
1	Section 138 of NI Act.	Simple imprisonment for one year and to pay a compensation of Rs.4,43,985/- within 30 days, in default, to undergo simple imprisonment for 30 days.

3.The main criminal revision petition has been filed against the order of dismissal made by learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu in C.A.No.90/2019 dated 22.02.2022 wherein the Principal District and Sessions Judge had observed thus :

"This Criminal Appeal has been preferred by the appellant/accused to set aside the conviction order passed in C.C.No.58/2018 dated 23.10.2019 by the Judicial Magistrate, Fast Track Court, Alandur.

2.No representation for appellant. Steps not



taken. Appeal dismissed for default.”

4. Heard Mr.M.Karthik, the learned counsel for the petitioner.

5. The learned counsel for the petitioner contended that the accused has been in prison for the past 15 days, that the petitioner is willing to deposit a sum of Rs.1,30,000/- to the credit of C.C.No.58/2018 before the Judicial Magistrate Court (Fast Track Court), Alandur, Chengalpattu District and that the accused had already paid a sum of Rs.70,000/-.

6. It is also seen from the records that the petitioner is in prison for the past 15 days. Considering the period of incarceration of the accused, this criminal miscellaneous petition is allowed and the sentence imposed on him is suspended, however, subject to the following conditions:

- i. the petitioner is directed to deposit a sum of Rs.1,30,000/- to the credit of C.C.No.58/2018 before the Judicial Magistrate Court (Fast Track Court), Alandur, Chengalpattu District.
- ii. The petitioner shall thereafter execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate Court (Fast Track Court), Alandur, Chengalpattu District.
- iii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their



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Aadhar card or Bank pass Book to ensure their identity; and

- iv. The petitioner shall appear before the trial court everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the Criminal Revision Petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.
- v. The trial court judge can permit the accused to execute the bond as mentioned in condition (ii) only after the compliance of condition (i) by the accused.

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R.HEMALATHA, J.
mtl

To

- 1.The Principal District and Sessions Court, Chengalpattu.
- 2.The Judicial Magistrate Court (Fast Track Court),
Alandur, Chengalpattu District.
- 3.The Central Prison, Puzhal.
- 4.The Section Officer, Criminal Section, Madras High Court, Chennai.

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