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*Crl.M.P.No.4519 of 2023 in
Crl.RC No.602 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.03.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.4519 of 2023 in
Crl.RC No.602 of 2023**

K.Machekendran

... Petitioner

Vs.

V.Mariaprakasam

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on the petitioner in conviction judgment made in Crl.A.No.26 of 2022 dated 13.10.2022 passed by the Hon'ble II Additional District and Sessions Judge, Chidambaram confirming the judgment made in S.T.C.No.223 of 2020 dated 28.06.2022 passed by the learned Judicial Magistrate No.II, Chidambaram and enlarge the petitioner on bail pending disposal of the accompanying Criminal Revision Case.



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For Petitioner : Mr.G.Pugazhenth

For Respondent : Ms.K.Amsalekha-No Appearance

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.II, Chidambaram in S.T.C.No.223 of 2020, vide judgement dated 28.06.2022, which was confirmed by the learned II Additional District and Sessions Judge, Chidambaram in Crl.A.No.26 of 2022, vide judgement dated 13.10.2022, pending disposal of the Criminal Revision Petition.

2.The learned Judicial Magistrate No.II, Chidambaram, Coimbatore, vide judgment dated 28.06.2022 passed in S.T.C.No.223 of 2020, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to



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pay the amount of Rs.1,90,000/- as compensation under Section 357 (3) of Cr.P.C. to the complainant within 1(one) month from the date of the judgment, in default, to undergo a further period of 1(one) month simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.26 of 2022 on the file of the II Additional District and Sessions Judge, Chidambaram and the learned learned II Additional District and Sessions Judge, Chidambaram, vide judgment dated 13.10.2022, confirmed the judgment of the trial Court.

3.Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

4.The learned counsel for the petitioner submitted that the judgment of the Courts below are contrary to law, weight of evidence and probabilities of the case. He further submitted that



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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 the impugned judgments and the materials on record.

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 ***learned Judicial Magistrate-II, Chidambaram***, within two weeks from the



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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 Judicial Magistrate-II, Chidambaram***

(ii)The petitioner shall affix his photograph and Left Thumb Impression in the bond and the concerned Court 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.

30.03.2023

Index:Yes/No
Internet:Yes/No

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To

1. The II Additional District and Sessions Judge, Chidambaram.
- 2.The Judicial Magistrate No.II, Chidambaram



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V.SIVAGNANAM, J.

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