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Crl.M.P.No.1310 of 2023 in Crl.R.C.No.174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.1310 of 2023

in

Crl.R.C.No.174 of 2023

D.Venkataraman.

... Petitioner

Vs.

A.Kirupakaran.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., to suspend the sentence of imprisonment passed against the petitioner in C.A.No.402 of 2019, dated 17.10.2022 passed by VII Additional Sessions Court, Chennai and enlarge the petitioner on bail.

For Petitioner

: Mr.V.Venkatesan

ORDER



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This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town, Chennai, in C.C.No.1363 of 2017, dated 30.10.2019, which was confirmed by the VII Additional District and Sessions Court, Chennai, in C.A.No.402 of 2019, dated 17.10.2022 and to enlarge the petitioner/appellant on bail pending Criminal Revision Petition.

2. The petitioner, who is the accused in C.C.No.1363 of 2017, was convicted and sentenced by the Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town, Chennai, which reads as follows:

Conviction under Section	Sentence
138 of N.I	To undergo two years S.I and to pay a compensation of Rs.10,50,000/- within one month and in default of payment of the compensation, the accused shall undergo a further period of four months S.I as default sentence.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner, he preferred the present criminal revision along with the instant



miscellaneous petition, seeking suspension of sentence and bail.

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4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Revision Case.

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 view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:-



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V.SIVAGNANAM, J.,

bsm

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