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*Crl.M.P.No.2006 of 2023 in
Crl.RC.No.251 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2006 of 2023

in

Crl.R.C.No.251 of 2023

K.Govindhasamy

...

Petitioner

/vs/

M.Arogiyam

...

Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to grant suspension of the conviction and sentence passed in Crl.A.No.70 of 2019 dated 21.11.2022 on the file of the Learned II Addl. District and Sessions Judge, Vellore @ Ranipet confirming the conviction and sentence passed in C.C.No.54 of 2017 dated 08.07.2019 on the file of the Judicial Magistrate Court at Sholinghur pending disposal of the Criminal Revision Petition.

For Petitioner

... Mr.D.N.Dhurgasha



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate Court at Sholinghur in C.C.No.54 of 2017, vide judgement dated 08.07.2019, which was confirmed by the Learned II Additional District and Sessions Judge, Vellore @ Ranipet in Crl.A.No.70 of 2019, vide judgment dated 21.11.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Sholinghur, vide judgment dated 08.07.2019 passed in C.C.No.54 of 2017, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 1 year Simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.70 of 2019, which was also confirmed by the learned II Additional District and Sessions Judge, Vellore @ Ranipet, vide judgment dated 21.11.2022.



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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 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.



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(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 his ***executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate Court, Sholinghur.***

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

Index:Yes/No
Internet:Yes/No
sms

13.02.2023

To

1. The Learned II Addl. District and Sessions Judge,
Vellore @ Ranipet
2. The Judicial Magistrate Court at Sholinghur.

V.SIVAGNANAM, J.



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