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CrI.M.P.No.2591 of 2023 in CrI.RC.No.315 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.2591 of 2023

in

CrI.RC.No.315 of 2023

Mrs. Kamilabegam Nazeer

... Petitioner

/vs/

S.Ganapathi

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed in STC.No.264 of 2015 on the file of Judicial Magistrate, Tambaram, confirmed in C.A.No.9 of 2017 on the file of Additional District and Sessions Judge, Kancheepuram at Chengalpattu .

For Petitioner

... Mr.S.Syed Mazhar Hayath

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in S.T.C.No.264 of 2015, dated 25.10.2016 by the Judicial Magistrate, Tambaram, which was confirmed by the Additional District and Sessions Judge, Kancheepuram at Chengalpattu in C.A.No.9 of 2017, dated 01.12.2022 and enlarge the



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

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2. The petitioner, who was the sole accused in S.T.C.No.264 of 2014 was convicted and sentenced by the trial court on 25.10.2016 as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo RI for six months ; and to pay a compensation of Rs.3,00,000/- to the complainant u/s.357(3) Cr.P.C., within a period of three months from the date of judgment.
The fine amount was already paid		

3. The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Additional District and Sessions Judge, Kancheepuram District at Chengalpattu in C.A.No.9 of 2017, dated 01.12.2022. 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.

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 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 and bail is granted to the petitioner on the following conditions:

- (i) 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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the Judicial Magistrate, Tambaram.



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

22.02.2023

msr

To

1. The Judicial Magistrate, Tambaram.
2. The Additional District and Sessions Judge, Kancheepuram at Chengalpattu .



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V.SIVAGNANAM, J.

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