



Crl. M.P. No.13461 of 2023
in Crl.R.C.No.1506 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

Crl.M.P.No.13461 of 2023
in Crl.R.C. No.1506 of 2023

Bharathiraja

...Petitioner

vs.

Devendran

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 (ii) of Criminal Procedure Code 1973 to suspend the sentence imposed on the petitioner by order dated 16.03.2021 in C.A.No.35/2020 on the file of Principal Sessions Court, Salem, confirming the judgment dated 06.02.2020 in S.T.C.No.272 of 2018 on the file of the Special Judicial Magistrate (Land Grabbing Cases), Salem and enlarge the petitioner on bail pending disposal of the above criminal revision.

For Petitioner : Mr.S.Panneer Selvan

For Respondent : Mr.A.Thameem Mohideen

ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned Principal Sessions Judge, Salem in C.A.No.35 of 2020 dated 16.03.2020, confirming the conviction and



Crl. M.P. No.13461 of 2023
in Crl.R.C.No.1506 of 2023

WEB COPY

sentence passed by the learned Special Judicial Magistrate (Land Grabbing Cases), Salem dated 06.02.2020 in S.T.C.No.272/2018 and to enlarge the petitioner on bail.

2. The petitioner is the accused in S.T.C.No.272/2018 before the learned Special Judicial Magistrate (Land Grabbing Cases), Salem and he was convicted and sentenced on 06.02.2020 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 138 of NI Act.	Simple imprisonment for a period of six month and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of one month and to pay a compensation of Rs.10,00,000/- to the complainant u/s. 357 Cr.P.C.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in C.A.No.35 of 2020 before the Principal Sessions Court, Salem and the same was dismissed vide orders dated 16.03.2021, confirming the judgment passed by the trial court.



WEB COPY



Crl. M.P. No.13461 of 2023
in Crl.R.C.No.1506 of 2023

4. Now the present petitioner / accused has filed the criminal revision in Crl.R.C.No.1506/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Mr.S.Panneer Selvan, learned counsel for the petitioner contended that both the Courts below erred in convicting the present petitioner and that the present petitioner has a fair chance to prove his innocence and succeed in the criminal revision. He therefore, prayed for suspending the sentence till the conclusion of this Revision.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with the following conditions.

- i. The petitioner shall 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 Special Judicial Magistrate (Land Grabbing Cases), Salem.



Crl. M.P. No.13461 of 2023
in Crl.R.C.No.1506 of 2023

WEB COPY

ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

iii. 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 appeal 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.

30.08.2023

(2/3)

mtl



WEB COPY



Crl. M.P. No.13461 of 2023
in Crl.R.C.No.1506 of 2023

R.HEMALATHA, J.
mtl

To

- 1.The Special Judicial Magistrate (Land Grabbing Cases), Salem.
- 2.The Principal Sessions Court, Salem.

Crl.M.P.No.13461 of 2023
in Crl.R.C. No.1506 of 2023

30.08.2023