



WEB COPY



Crl.M.P.No.2791 of 2023 in Crl.RC.No.352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2791 of 2023

in

Crl.RC.No.352 of 2023

Mrs.Vaijayanthimala

... Petitioner

/vs/

P.S.Seetharaman

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 01.12.2022 made in C.A.No.243 of 2019 on the file of the The XIX Additional Sessions Judge, Chennai confirming the judgment dated 09.04.2019 made in C.C.No.5190 of 2015 on the file of the Metropolitan Magistrate, Fast Track Court III, Saidapet, Chennai and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.J.Pravin



WEB COPY



Crl.M.P.No.2791 of 2023 in Crl.RC.No.352 of 2023

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.5190 of 2015, vide judgement dated 09.04.2019, which was confirmed by the lower appellate Court in C.A.No.243 of 2019, vide judgement dated 01.12.2022, pending disposal of the Criminal Revision Petition.

2. The learned Metropolitan Magistrate Fast Track Court III, Saidapet, Chennai, vide judgment dated 09.04.2019 passed in C.C.No.5190 of 2015, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and pay double the amount of cheque as compensation under Section 357[3] of Cr.P.C. to the respondent/complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.243 of 2019, which was also confirmed by the learned XIX Additional Sessions Judge, Chennai, vide judgment dated 01.12.2022.

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 is no duly proved legally enforceable debt as against the petitioner and 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 concerned 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 XIX Additional Sessions Judge, Chennai.*



Crl.M.P.No.2791 of 2023 in Crl.RC.No.352 of 2023

(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.

13.03.2023

Index: Yes/No
Internet: Yes/No

vrc

To

1. The XIX Additional Sessions Judge, Chennai
2. The Metropolitan Magistrate, Fast Track Court III, Saidapet, Chennai.

Note : Issue Order copy on 05.04.2023



WEB COPY



Crl.M.P.No.2791 of 2023 in Crl.RC.No.352 of 2023

V.SIVAGNANAM, J.

vrc

Crl.M.P.No.2791 of 2023
in
Crl.RC.No.352 of 2023

13.03.2023