



WEB COPY



Crl.M.P.No.6276 of 2023 in Crl.RC.No.818 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6276 of 2023

in

Crl.RC.No.818 of 2023

Tmt. M. Janaki

... Petitioner

/vs/

Thiru.G.Arumugam

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) and 439 of Cr.P.C., to suspend the sentence imposed in C.A.No.08 of 2019, dated 07.01.2020 on the file of learned III Addl. District and Sessions Judge, Gobichettipalayam and confirming conviction in S.T.C.No.2267 of 2013, dated 06.02.2019 on the file of learned Judicial Magistrate No.1, Gobichettipalayam and to enlarge the petitioner on bail.

For Petitioner ... Mr.K.T.S.Sivakumar

For Respondent ... Mr. M. Senthil Kumar

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 06.02.2019 in STC.No.2267 of 2013 on the file of Judicial Magistrate No.1,



Gobichettipalayam, which was confirmed by the III Additional District and Sessions Judge, Gobichettipalayam, by the judgment made in C.A.No.08 of 2019, dated 07.01.2020 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

2. The petitioner was convicted and sentenced by the trial court on 06.02.2019 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 SI for six months and to pay a compensation of Rs.5,00,000/-, being the cheque amount to the complainant

Aggrieved over the judgment of conviction and sentence imposed on the petitioner by the trial court, the petitioner preferred Criminal Appeal in Crl.A.No.08 of 2019 before the III Additional District and Sessions Judge, Gobichettipalayam, wherein, the lower appellate court confirmed the conviction and sentence imposed on the petitioner by the trial court. 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.



WEB COPY

3. The learned counsel for the petitioner submitted that the judgments of the trial court is contrary to law, weight of evidence and probabilities of the case. The impugned order dated 07.01.2020 passed by the lower appellate court is erroneous, illegal and liable to be set aside. He further submitted 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.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

5. 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.

6. 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 Judicial Magistrate No.1, Gobichettipalayam, within two weeks



WEB COPY



Crl.M.P.No.6276 of 2023 in Crl.RC.No.818 of 20--

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 executing an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the abovesaid Court.

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

28.04.2023

msr

To

1. The III Addl. District and Sessions Judge, Gobichettipalayam.
2. The Judicial Magistrate No.1, Gobichettipalayam



WEB COPY



Crl.M.P.No.6276 of 2023 in Crl.RC.No.818 of 2023

V.SIVAGNANAM, J.

msr

Crl.M.P.No.6276 of 2023
in
Crl.RC.No.818 of 2023

28.04.2023