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Crl.M.P.No.1689 of 2023 in Crl.R.C.No.162 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.1689 of 2023

in

Crl.R.C.No.162 of 2023

Boopalan,
S/o.Sri.Chellakutty,

... Petitioner/Accused

Vs.

Sri.M.Rajendran,
Proprietor of Sri Prabhu Transport.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in judgment date 06.06.2019 in C.A.No.79 of 2016 on the file of the Learned XVII Additional City Civil Court, Chennai, by confirming the conviction and sentence imposed by the Learned Metropolitan Magistrate, Fast Track Court No.IV, Egmore, Chennai, in C.C.No.428 of 2014, by an order dated 08.03.2016 and enlarge the petitioner on bail.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.V.Ramamurthy

ORDER



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This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, in C.C.No.428 of 2014, dated 08.03.2016, which was confirmed by the Learned XVII Additional City Civil Court, Chennai, in C.A.No.79 of 2016, dated 06.06.2019 and to enlarge the petitioner on bail pending Criminal Revision Petition.

2. The petitioner, who is the sole accused in C.C.No.428 of 2014, was convicted and sentenced by the Metropolitan Magistrate Court, Fast Track Court IV, George Town, Chennai, which reads as follows:

Conviction under Sections	Sentence
138 of N.I	To undergo two years S.I and to pay compensation of Rs.43,60,000/- to the complainant under Section 357(3) of Cr.P.C.

3. Aggrieved against the judgment of conviction and sentence passed by the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, in C.C.No.428 of 2014, dated 08.03.2016, he preferred an appeal before the XVII Additional City Civil Court, Chennai, in C.A.No.79 of 2016 and the Lower



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Appellate Court by judgment dated 06.06.2019 dismissed the appeal confirming the judgment passed by the trial Court. Hence, the present criminal revision along with the present miscellaneous petition, seeking suspension of sentence.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (Crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Revision Case.

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.

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:-



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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 *executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai,*
- (ii) The petitioner and the sureties shall affix their 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.

08.02.2023

Index:Yes/No.

bsm

To,

1. The Learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.
2. The XVII Additional City Civil Court, Chennai,

V.SIVAGNANAM, J.,

bsm



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