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Crl.M.P.No.2662 of 2023 in Crl.RC.No.328 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2662 of 2023

in

Crl.RC.No.328 of 2023

A. Palanivel

... Petitioner

/vs/

C. Duraisamy

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to suspend the sentence of six months simple imprisonment and also the direction to the petitioner to pay compensation of Rs.6,00,000/- to the respondent within one month, in default, to undergo one month Simple Imprisonment imposed by judgment dated 22.03.2021 passed by the learned Judicial Magistrate (Fast Track Court), Tiruchengode in S.T.C.No.358 of 2019, which was confirmed by judgment dated 22.04.2022 by the learned Sessions Judge Special Court or trial of Cases registered under SC/ST (POA) Act, Namakkal in C.A.No.52 of 2021, pending disposal of the above criminal revision petition.

For Petitioner

... Mr.L. Mouli

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 22.03.2021 in S.T.C.No.358 of 2019 on the file of Judicial Magistrate Fast



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Track Court, Tiruchengode which was confirmed by the judgment dated 22.04.2022 passed by the Sessions Judge, Special Court of Trial of case registered under SC/ST (POA) Act, Namakkal in C.A.No.52 of 2021 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

2. The petitioner, who is the sole accused in S.T.C.No.358 of 2019 on the file of Judicial Magistrate Fast Track Court, Tiruchengode was convicted and sentenced by the trial court on 22.03.2021 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 the cheque amount of Rs.6,00,000/- to the complainant as compensation, within a period of one month from the date of judgment, in default in payment, to undergo one month SI.

Aggrieved over the judgment of conviction and sentence imposed on the petitioner by the trial court, the petitioner preferred Criminal Appeal before the Sessions Judge, Special Court of Trial of cases registered under SC/ST (POA) Act, Namakkal in C.A.No.52 of 2021. The lower appellate judge, by judgment dated 22.04.2022 dismissed the criminal appeal. 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.

3. The learned counsel for the petitioner submitted that the judgment of the trial court and lower appellate court is contrary to law, weight of evidence and probabilities of the case. 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 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:



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- (i) The petitioner shall surrender before the Judicial Magistrate (Fast Track Court), Tiruchengode, 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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the above said Magistrate.
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the above said 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.

24.02.2023

msr

To

1. The Judicial Magistrate (Fast Track Court), Tiruchengode
2. The Sessions Judge, Special Court of trial of Cases registered under SC/ST (POA) Act, Namakkal.
- 3.



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V.SIVAGNANAM, J.

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