



*Crl.M.P.No.2290 of 2023 in
Crl.RC No.277 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.2290 of 2023 in
Crl.RC No.277 of 2023**

K.M.Tamilselvan

... Petitioner

Vs.

Subramani

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389(1) r/w.439 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 03.01.2023 made in C.A.No.47 of 2022 on the file of the Court of Sessions Division of the Nilgiris District at Udthagamandalam confirming the judgment dated 04.04.2022 made in S.T.C.No.21 of 2016 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor under Section 138 of N.I. Act, sentencing the petitioner to undergo simple imprisonment for six months and ordered to pay compensation of Rs.2,00,000/- to the complainant, in default, to undergo simple imprisonment for 2 months and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.E.V.Chandru



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.21 of 2016, vide judgement dated 04.04.2022, which was confirmed by the lower appellate Court in C.A.No.47 of 2022, vide judgement dated 03.01.2023.

2. The learned Judicial Magistrate Fast Track Court at Magisterial Level, Coonoor, vide judgment dated 04.04.2022 passed in S.T.C.No.21 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for six months, in default, to undergo simple imprisonment for 2 months and to pay the cheque amount of Rs.2,00,000/- as compensation under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.47/2022, which was also confirmed by the learned Sessions Judge, Udhagamandalam, vide judgment dated 03.01.2023.

3. Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.



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4. The learned counsel for the petitioner submitted that 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 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 his executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor.



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(ii) The petitioner shall affix his 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.

16.02.2023

(3/3)

Index:Yes/No
Internet:Yes/No
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To

1. The learned Sessions Judge, Udhagamandalam, Nilgiris District.
- 2.The Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor.



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V.SIVAGNANAM, J.

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