



Crl.M.P.No.9512 of 2023
in Crl.R.C.No.1210 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.M.P.No.9512 of 2023
in Crl.R.C.No.1210 of 2023

V.Suresh

... Petitioner

Vs.

S.Karthikeyan

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973, to suspend the sentence dated 06.08.2022 in Crl.A.No.581 of 2018 by the learned XX Additional Sessions Judge, City Civil Court, Chennai, against the Judgment dated 15.10.2018 made in C.C.No.2395 of 2014 on the file of the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai -1 and grant bail to the petitioner.

For Petitioner : Mr.P.Rathnavel

ORDER

This criminal miscellaneous petition has been filed seeking suspension of sentence imposed in Crl.A.No.581 of 2018 by the learned XX Additional Sessions Judge, City Civil Court, Chennai, confirming the conviction and sentence made in the judgment dated 15.10.2018 in



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C.C.No.2395 of 2014 on the file of Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai -1, pending disposal of the revision petition.

2. The learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai -1 vide his judgment dated 15.10.2018 in C.C.No.2395 of 2014, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo Simple imprisonment for a period of ten months and to pay a compensation of Rs.7,50,000/- under Section 357 (3) of Cr.P.C. within one month in default, to undergo further period of two months Simple Imprisonment.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in Crl.A.No.581 of 2018 before the learned XX Additional Sessions Judge, City Civil Court, Chennai and the same was dismissed vide his orders dated 06.08.2022, confirming the judgment passed by the trial court.



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4. Now the present revision petitioner/accused filed the criminal revision petition in Crl.R.C.No.1210/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Heard, Mr.P.Rathnavel, learned counsel for the revision petitioner.

6. Mr.P.Rathnavel, learned counsel for the revision petitioner contended that the accused has been in prison for the past 3 months. The learned counsel for the petitioner further submitted that there are arguable points in the Criminal Revision and hence, he prayed for suspension of sentence.

7. This Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this criminal miscellaneous petition is allowed and the sentence is suspended, however, subject to the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with



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two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai -1;

- ii. the sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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Index: Yes/No
Speaking/Non-Speaking order
vum



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- To
- 1.The XX Additional Sessions Judge, City Civil Court, Chennai.
 - 2.The Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai -1.
 - 3.The Central Prison, Puzhal, Chennai.
 - 4.The Section Officer, Criminal Section, High Court, Madras.



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R. HEMALATHA, J.

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