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Crl.M.P.No.8970 of 2023 in Crl.RC.No.1139 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.06.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.8970 of 2023**

**in**

**Crl.RC.No.1139 of 2023**

A. Ravi Sankar

... Petitioner

/vs/

Muniappan (died)

1. Minor Varshini

D/o.Late Muniappan

2. Minor Karmugilan

(minors rep. By their maternal  
grandfather Ramasamy)

... Respondents

**Prayer :** Criminal Miscellaneous Petition filed under sections 397 (1) of Cr.P.C., to suspend the sentence imposed on the petitioner by the judgment dated 31.10.2018 passed in STC.No.5620 of 2014 on the file of Judicial Magistrate Court, Sirkazhi and as confirmed by the judgment dated 10.11.2022 passed in C.A.No.71 of 2018 on the file of the Addl. District Court, Mayiladuthurai and release the petitioner on bail, pending disposal of the above Criminal Revision Case.

For Petitioner

... Mr.K.Govi Ganesan



## ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in STC.No.5620/2014, dated 31.10.2018 by the Judicial Magistrate Court, Sirkazhi, which was confirmed by the judgment passed in C.A.No.71 of 2018, dated 10.11.2022 by the Addl. District Court, Mayiladuthurai and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in STC.No.5620/2014 was convicted and sentenced by the trial court as follows:

| <b><i>Petitioner's Rank</i></b> | <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                                                                                                                                                 |
|---------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sole accused                    | U/s.138 of NI Act                             | To undergo SI for six months;                                                                                                                                                                                          |
|                                 |                                               | he was also ordered to pay dishonoured cheque amount of Rs.3,00,000/- as compensation to the complainant within one month from the date of judgment, failing which, the accused is sentenced to undergo two months SI. |

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Addl. District Court, Mayiladuthurai in C.A.No.71 of 2018, dated 10.11.2022. Challenging the above conviction and sentence, the petitioner has filed Crl.R.C. along with the instant



miscellaneous petition, seeking suspension of sentence and bail.

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

4. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence 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



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Magistrate Court, Sirkazhi, 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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the above said court.

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

28.06.2023

msr

To

1. The Addl. District Court, Mayiladuthurai
2. The Judicial Magistrate Court, Sirkazhi.

**V.SIVAGNANAM, J.**

msr



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