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*Crl.MP No.2558 of 2023 in
Crl.RC No.189 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2558 of 2023 in
Crl.RC No.189 of 2023

John Sebastian

... Petitioner

Vs.

Jeanette Doyle

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner vide judgement dated 31.10.2019 passed in C.C.No.3814 of 2016 by the Metropolitan Magistrate, Fast Track Court-2, Egmore.

For Petitioner

: Mr.S.Sivaraman

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore, Allikulam, Chennai in C.C.No.3814/2016, vide judgement dated 13.10.2019, which was confirmed by the learned VII Additional District and Sessions Judge, Chennai in C.A.No.401/2019, vide judgement dated 11.11.2022, pending disposal of the Criminal Revision Petition.



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2. The learned Metropolitan Magistrate, Fast Track Court No.2, Egmore, Allikulam, Chennai, vide judgement dated 13.10.2019 passed in C.C.No.3814/2016, convicted the petitioner for the offence punishable under Section 138 and 142 of Negotiable Instruments Act and sentenced him to undergo 1 year simple imprisonment and to pay a sum of Rs.25,00,000/- 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.401/2019 which was also confirmed by the learned VII Additional District and Sessions Judge, Chennai, vide judgment dated 11.11.2022.

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

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



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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 Metropolitan Magistrate, Fast Track Court No.2, Egmore, Allikulam, Chennai.*

(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



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22.02.2023

Index:Yes/No
Internet:Yes/No
mst

To

1. The VII Additional District and Sessions Judge, Chennai.
- 2.The Metropolitan Magistrate, Fast Track Court No.2, Egmore,
Allikulam, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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22.02.2023