



Crl.M.P.No.2419 of 2023 in Crl.R.C.No.298 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.2419 of 2023

in

Crl.R.C.No.298 of 2023

Mrs.Mythili Rajagopalan,

... Petitioner/Accused

Vs.

Tr.Bapuji Murugesan.

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., to suspend the sentence imposed on the petitioner herein in the judgment and order dated 19th January 2023 in Criminal Appeal No.29 of 2019 on the file of VII Additional District and Sessions Court, Chennai, affirming the order of conviction passed on 08.01.2019 in C.C.No.1046 of 2005 on the file of Metropolitan Magistrate, Fast Track Court III at Saidapet, Chennai until the disposal of the above Criminal Revision Petition preferred by the petitioner herein.

For Petitioner

: Mr.G.R.Hari



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Metropolitan Magistrate, Fast Track Court III, Saidapet, Chennai, in C.C.No.1046 of 2005, dated 08.01.2019, which was confirmed by the Learned VII Additional District and Sessions Court, Chennai, in C.A.No.29 of 2019, dated 19.01.2023 and to enlarge the petitioner on bail pending Criminal Revision Petition.

2. The petitioner, who is the sole accused in C.C.No.1046 of 2005, was convicted and sentenced by the Metropolitan Magistrate Court, Fast Track Court III, Saidapet, Chennai, which reads as follows:-

Conviction under Sections	Sentence
138 of N.I Act	To undergo six months S.I and directed to pay double the amount of cheque as compensation to the complainant under Section 357(3) of Cr.P.C.

3. Aggrieved against the judgment of conviction and sentence passed by the Metropolitan Magistrate, Fast Track Court III, Saidapet, Chennai, in C.C.No.1046 of 2005, dated 08.01.2019, he preferred an appeal before the VII Additional



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District and Sessions Court, Chennai, in C.A.No.29 of 2019 and the Lower Appellate Court by judgment dated 19.01.2023 dismissed the appeal by confirming the judgment passed by the trial Court. Hence, the present criminal revision along with the present miscellaneous petition, seeking suspension of sentence.

4. Heard the learned counsel appearing for the petitioner.

5. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Revision Case.

6. 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.



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7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:-

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the VII Additional District and Sessions Court, Chennai 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 own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned VII Additional District and Sessions Court, Chennai.***
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the above said 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.

21.02.2023

Index:Yes/No.
bsm

To,

1. The Learned VII Additional District and Sessions Court, Chennai.
2. The Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai.



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V.SIVAGNANAM, J.,

bsm

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