



*Crl.M.P.No.3112 of 2023 in
Crl.RC No.408 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.3112 of 2023 in
Crl.RC No.408 of 2023**

E.Sivakumar

... Petitioner

Vs.

S.Kannadasan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 30.01.2023 made in C,A.No.109 of 2020 on the file of the Principal Sessions Judge, Erode confirming the judgment dated 14.10.2020 made in S.T.C.No.363 of 2017 on the file of the Judicial Magistrate, Fast Track Court No.I, Erode and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.K.Sudhakar



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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.363 of 2017, vide judgement dated 14.10.2020, which was confirmed by the lower appellate Court in C.A.No.109 of 2020, vide judgement dated 30.01.2023, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Fast Track Court No.I, Erode, vide judgment dated 14.10.2020 passed in S.T.C.No.363 of 2017, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 3 months simple imprisonment and to pay the cheque amount of Rs.5,00,000/- as compensation under Section 357 (3) of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in C.A.No.109/2020 on the file of the Principal Sessions Judge, Erode and the learned Principal Sessions Judge, Erode, vide judgment dated 30.01.2023, confirmed the judgment of the trial Court.



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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 the judgment of the Courts below are contrary to law, weight of evidence and probabilities of the case. He further 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.



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7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Judicial Magistrate, F.T.C-I, Erode, 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 No.I, Erode.*

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the concerned 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.

**09.02.2023
(2/3)**

Index:Yes/No
Internet:Yes/No
srn



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WEB COPY **To**

1. The Principal Sessions Judge, Erode
- 2.The Judicial Magistrate, Fast Track Court No.I, Erode



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V.SIVAGNANAM, J.

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