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Crl.M.P.No.3164 of 2023 in Crl.RC.No.416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3164 of 2023

in

Crl.RC.No.416 of 2023

K Saminathan

... Petitioner

/vs/

Chinnasamy

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 (1) of Cr.P.C., to suspend the sentence imposed on the petitioner in STC.No.922/2017 passed by the Judicial Magistrate I, Salem, dated 17.12.2020 as confirmed by the judgment in Crl.A.No.155/2019 by the I Additional District and Sessions Judge, dated 17.12.2022 and enlarge the petitioner on bail, pending disposal of the present Criminal Revision Petition.

For Petitioner

... Mr. J. Prithvi

For Respondent

... Mr.K. Muthu

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in S.T.C.No.922 of 2017, dated 17.12.2020 by the Judicial Magistrate I, Salem, which was confirmed by the I Additional District and Sessions Judge, Salem in C.A.No.155 of



2019, dated 17.12.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

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2. The petitioner, who was the sole accused in S.T.C.No.922 of 2017 was convicted and sentenced by the trial court on 17.12.2022 as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for two years and to pay a compensation of Rs.5,00,000/-, in default, to undergo three months SI .

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the I Additional District and Sessions Judge, Salem in Crl.A.No.155/2019, by its judgment dated 17.12.2022.

3. Challenging the above conviction and sentence, the petitioner has filed the present Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. 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 case.

5. Head the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

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 and bail.

7. 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 Magistrate I, Salem 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 abovesaid court.



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- (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 Aadhaar card or Bank pass Book to ensure his identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

03.04.2023

msr

To

1. The Judicial Magistrate-I, Salem
2. The I Additional District and Sessions Judge, Salem.



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V.SIVAGNANAM, J.

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