



WEB COPY



Crl.M.P.No.8587 of 2023 in Crl.RC.No.1079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.8587 of 2023
in Crl.RC.No.1079 of 2023

S.Prakash

...

Petitioner

/vs/

Rabitheen

..

Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 r/w 401 of Cr.P.C., to suspend the sentence which was confirmed in C.A.No.77 of 2022 on the file the Principal District Judge, Tirupur in S.T.C.No.3495 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.II, Tiruppur and to enlarge the petitioner on bail till the disposal of the criminal revision.

For Petitioner ... Mr.A.Parthasarathy

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Fast Track Court No.II, Tiruppur in S.T.C.No.3495 of 2019, vide judgement dated 06.06.2022, which was confirmed by the learned Principal Sessions Judge, Tiruppur



in CrI.A.No.77 of 2022, vide judgement dated 06.02.2023, pending disposal of the Criminal Revision Petition.

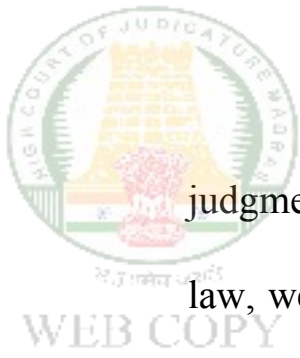
2. The trial Court, by its judgment dated 06.06.2022 convicted and sentenced the petitioner/accused as follows:

<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 six months and to pay a compensation of Rs.2,50,000/-, in default, to undergo further period of one month SI.

3.Challenging the above judgment, the petitioners preferred an appeal in CrI.A.No.77 of 2022 on the file of the Principal Sessions Court, Tiruppur and the learned Principal Sessions Judge, Tiruppur, vide judgment dated 06.02.2023, confirmed the judgment of the trial Court.

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

5.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.

6.Head the learned counsel for the petitioner and perused the materials available on record.

7.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.

8.Accordingly, the relief of suspension of sentence and bail is



WEB COPY



CrI.M.P.No.8587 of 2023 in CrI.RC.No.1079 of 20--

granted to the petitioner on the following conditions:

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the learned Judicial Magistrate, Fast Track Court No.II, Tiruppur 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.II, Tiruppur.
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the concerned 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.

26.06.2023

(2/2)

srn

To



CrI.M.P.No.8587 of 2023 in CrI.RC.No.1079 of 20__

1. The Principal District Judge, Tirupur
2. The Judicial Magistrate, Fast Track Court-II, Tiruppur

WEB COPY



WEB COPY



CrI.M.P.No.8587 of 2023 in CrI.RC.No.1079 of 2023

V.SIVAGNANAM, J.

srn

CrI.M.P.No.8587 of 2023

in

CrI.RC.No.1079 of 2023

26.06.2023
(2/2)