



Crl.M.P.No.3591 of 2023 in
Crl.R.C.No.468 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP No.3591 of 2023 in
Crl.RC No.468 of 2023

S.Shanthi

... Petitioner

Vs.

E.Gopinath

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed on the petitioner in CC No.2930 of 2011 on the file of the Metropolitan Magistrate, FTC-I, Egmore dated 11.09.2018 confirmed in Crl.A.No.509 of 2018 on the file of the XV Additional City Civil Court, Chennai dated 15.10.2022 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.

For Petitioner

: Mr.A.E.Ravichandran

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner in CC No.2930 of 2011 on the file of the Metropolitan Magistrate,

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FTC-I, Egmore dated 11.09.2018 confirmed in Crl.A.No.509 of 2018 on the file of the XV Additional City Civil Court, Chennai dated 15.10.2022 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.

2.The learned Metropolitan Magistrate, FTC-I, Egmore vide order dated 11.09.2018 passed in CC No.2930 of 2011, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 1 year simple imprisonment and to pay the cheque amount of Rs.2,00,000/- as compensation, in default, to undergo 4 months simple imprisonment under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.509 of 2018, which was also confirmed by the learned XV Additional City Civil Court, Chennai vide order dated 15.10.2022 .

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



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4.The learned counsel for the petitioner submitted that the judgement of the trial Court as well as 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 the above Criminal Revision Case and the petitioner has every chance to succeed in this Criminal Revision Case. He further submitted that already, the petitioner has paid the fine amount 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 learned Metropolitan Magistrate, FTC-I, Egmore 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 learned Metropolitan Magistrate, FTC-I, Egmore.

(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 required.

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To

1. The Metropolitan Magistrate, FTC-I, Egmore
2. The XV Additional City Civil Court, Chennai
3. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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