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Crl.M.P.No.3325 of 2023 in Crl.RC.No.441 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.3325 of 2023

in

Crl.RC.No.441 of 2023

M. Shanmugasundaram

... 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 C.C.No.2929 of 2011 on the file of the Metropolitan Magistrate, FTC-1, Egmore, dated 11.09.2018, confirmed in Crl.A.No.510 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 Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.2929 of 2011 dated 11.09.2018 by the Metropolitan Magistrate, FTC-1, Egmore which was confirmed by the XV Additional City Civil Court, Chennai in C.A.No.510 of 2018, dated 15.10.2022 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 C.C.No.2929 of 2011 was convicted and sentenced by the trial court on 11.09.2018 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 one year and; to pay a compensation of Rs.3,00,000/- to the complainant, failing which, to undergo SI for four months.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the XV Additional City Civil Court, Chennai, vide its judgment made in Crl.A.No.510 of 2018, dated 15.10.2022.

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 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 Metropolitan Magistrate, FTC-1, Egmore, 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 his executing an own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the above said Court.
- (ii) The petitioner shall affix his photograph and Left Thumb



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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.

09.03.2023

msr

To

1. The Metropolitan Magistrate, FTC-1, Egmore,
2. The XV Additional City Civil Court, Chennai.



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V.SIVAGNANAM, J.

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