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*Crl.MP No.2873 of 2023 in
Crl.RC No.369 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.2873 of 2023 in
Crl.RC No.369 of 2023**

B.Sugumaran

... Petitioner

Vs.

R.Palani

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence passed by the learned XIX Metropolitan Magistrate in C.C.No.5855 of 2016 by order dated 04.10.2018 and release the petitioner on bail, pending disposal of the Criminal Revision Case.

For Petitioner : Mr.J.Suresh

For Respondent : No appearance

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned XIX Metropolitan Magistrate, Rippon Building, Chennai, vide judgment passed in C.C.No.5855/2016 dated 04.10.2018, which was confirmed by the learned V Additional Sessions Judge, City Civil Court, Chennai, vide judgment passed in Crl.A.No.584/2018 dated



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17.09.2021, pending disposal of the Criminal Revision Petition.

2. The learned Trial Judge, vide judgment passed in C.C.No.5855/2016 dated 04.10.2018, 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 a fine of Rs.5,000/-, in default, to undergo 1 months simple imprisonment and also to pay a sum of Rs.4,80,000/- as compensation under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.584/2018 which was also confirmed by the Lower Appellate Court, vide judgment dated 17.09.2021.

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 there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.



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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.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner ***shall surrender before the XIX Metropolitan Magistrate at Allikulam, 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 own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the XIX Metropolitan Magistrate at Allikulam, Chennai.***

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the above said Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.



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(iii) The petitioner shall appear before the above said Court as and
when required.

01.03.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

1. The V Additional Sessions Judge, City Civil Court, Chennai.
- 2.The XIX Metropolitan Magistrate at Allikulam, Chennai
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**01.03.2023
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