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Crl.M.P.No.3588 of 2023 in Crl.RC.No.467 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3588 of 2023

in

Crl.RC.No.467 of 2023

Mrs. Emima Raja John

... Petitioner

/vs/

R.Dhanabal

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(2) and 439 of Cr.P.C., to suspend the sentence imposed on him in C.A.No.13 of 2022 on the file of the I Additional District and Sessions Judge, Salem, dated 12.08.2022 confirming the judgment passed in S.T.C.No.421 of 2019 by the Judicial Magistrate No.1 at Sankari, dated 21.02.2022 pending revision.

For Petitioner

... Mr. G.Sudhakar

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner on 21.02.2022 in S.T.C.No.421 of 2019 by the Judicial Magistrate No.1 at Sankari, which was confirmed by the I Additional District and Sessions



Judge, Salem in C.A.No.13 of 2022 by judgment dated 12.08.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in S.T.C.No.421 of 2019 was convicted and sentenced by the trial court 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 the cheque amount of Rs.3,50,000/- to the complainant towards compensation within three months.

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 C.A.No.13 of 2022 by judgment dated 12.08.2022. Challenging the above conviction and sentence, the petitioner has filed Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. 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 Petition.

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4. 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.

5. 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 No.1 at Sankari 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 a 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 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;



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

13.03.2023

msr

To

1. The .I Additional District and Sessions Judge, Salem,
2. The Judicial Magistrate No.1 at Sankari,

V.SIVAGNANAM, J.



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