



*Crl.MP No.2939 of 2023 in
Crl.RC No.381 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.2939 of 2023 in
Crl.RC No.381 of 2023

Nandakumar

... Petitioner

Vs.

1. M.Munirathnam
2. State rep. by the Sub Inspector of Police,
Tiruvallur.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the execution of the sentence dated 27.09.2022 passed in C.A.No.36/2019 against the petitioner by the Additional District and Sessions Judge, Tiruvallur, confirming the judgment and sentence in STC No.3/2018 on the file of the Judicial Magistrate, Fast Track Court, Tiruvallur dated 01.02.2019 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

For Petitioner : Mr.K.Pattabhi

For 2nd respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Fast Track Court Magisterial level, Thiruvallur, vide judgment passed in STC No.3/2018 dated 01.02.2019, which was confirmed by the learned I Additional District and Sessions Judge, Tiruvallur, vide judgment passed in Crl.A.No.36/2019 dated 27.09.2022, pending disposal of the Criminal Revision Petition.

2. The learned Trial Judge, vide judgment passed in STC No.3/2018 dated 01.02.2019, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 4 months simple imprisonment and to pay a sum of Rs.3,00,000/- as compensation under Section 357 of Cr.P.C. to the complainant, in default, to undergo one month simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.36/2019 which was also confirmed by the Lower Appellate Court, vide judgment dated 27.09.2022.

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



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

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the second respondent 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 Judicial Magistrate, Fast Track Court Magisterial level, Thiruvallur,*** Court 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***



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WEB COPY ***Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the Judicial***

Magistrate, Fast Track Court Magisterial level, Thiruvallur.

(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.

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

01.03.2023

(2/3)

Index:Yes/No
Internet:Yes/No
mst

To

1. The I Additional District and Sessions Judge, Tiruvallur.
- 2.The Judicial Magistrate, Fast Track Court Magisterial level, Thiruvallur.
- 3.The Public Prosecutor, High Court, Madras.
4. The Sub Inspector of Police, Tiruvallur.



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V.SIVAGNANAM, J.

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**01.03.2023
(2/3)**