



*Crl.MP No.2987 of 2023 in
Crl.RC.388 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.2987 of 2023 in
Crl.RC.No.388 of 2023**

Saravanabhavan

... Petitioner

Vs.

R.Senna Kesavan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C to suspend the sentence imposed in C.A.No.02 of 2017 by the V Additional District and Sessions Court, Coimbatore dated 10.01.2023 confirming the judgment passed by the Judicial Magistrate, FTC II, Coimbatore in C.C.No.112 of 2015 dated 08.12.2016 and to enlarge the petitioner on bail, pending disposal of the Revision Petition.

For Petitioner

: Mr.V.S.Kesavan

ORDER

This petition has been filed to suspend the sentence imposed in C.A.No.02 of 2017 by the V Additional District and Sessions Court, Coimbatore dated 10.01.2023 confirming the judgment passed by the



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Judicial Magistrate, FTC II, Coimbatore in C.C.No.112 of 2015 dated 08.12.2016 and to enlarge the petitioner on bail, pending disposal of the Revision Petition.

2. The Judicial Magistrate, FTC II, Coimbatore vide dated 08.12.2016 in C.C.No.112 of 2015, convicted and sentenced the petitioner, which was confirmed by the learned V Additional District and Sessions Judge, Coimbatore, vide judgment dated 10.01.2023 in C.A.No.2 of 2017, which are extracted hereunder:

Conviction and sentence imposed on the first petitioner

Conviction under Section	Sentence
Sec.138 of the Negotiable Instruments Act and U/s.357 Cr.PC	To undergo 1 year simple imprisonment under Section 138 of the Negotiable Instruments Act and to pay Rs.9,00,000/- alongwith interest @ 9% p.a. as compensation within one month from the date of the Cheque under Section 357 of Cr.PC, in default, 6 months simple imprisonment under Section 255(2) Cr.PC.

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

4.The learned counsel for the petitioner submitted that the judgement



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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 judgment 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, 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 Trial Court within two weeks from



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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 bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, FTC II, Coimbatore.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

01.03.2023

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To

1. The learned Judicial Magistrate, FTC II, Coimbatore.
2. The learned V Additional District and Sessions Judge, Coimbatore
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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