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Crl.M.P.No.3583 of 2023 in Crl.RC.No.464 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.3583 of 2023

in

Crl.RC.No.464 of 2023

K. Karthik

... Petitioner

/vs/

K.R.Jegan

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence imposed on him in C.A.No.468 of 2018 on the file of the V Addl. District and Sessions Judge, Coimbatore, dated 30.09.2022, confirming the judgment passed in C.C.No.51 of 2016 by the Judicial Magistrate, Fast Track Court No.2, Coimbatore, dated 27.09.2018, pending revision.

For Petitioner

... Mr. B. Kumarasamy

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.51 of 2016 by the Judicial Magistrate, Fast Track Court No.2, Coimbatore, dated 27.09.2018, which was confirmed by the the V Addl.



District and Sessions Judge, Coimbatore in Crl.A.No.468 of 2018 by his judgment dated 30.09.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.51 of 2016 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 6 months and to pay a fine of Rs.4,75,000/- being the cheque amount as compensation to the complainant along with interest at the rate of 6% p.a. from the date of issuance of cheque, within one month from the date of pronouncement of judgment, in default, to undergo SI for three months.

Aggrieved against the judgment of trial court, the petitioner preferred appeal before the V Addl. District and Sessions Judge, Coimbatore in Crl.A.No.468 of 2018, who, by order dated 30.09.2022 confirmed the conviction and sentence imposed by the trial court. 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.

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.

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, Fast Track Court No.2, Coimbatore 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;

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

13.03.2023

msr

To

1. The V Addl. District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Fast Track Court No.2, Coimbatore.

V.SIVAGNANAM, J.

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