



*Crl.M.P.No.3227 of 2023 in
Crl.RC No.427 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.3227 of 2023 in
Crl.RC No.427 of 2023**

Amutha

... Petitioner

Vs.

Manivannan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(i) of Cr.P.C. to suspend the sentence passed by the Judicial Magistrate (Fast Track Court), Kallakurichi in S.T.C.No.17 of 2019 dated 29.03.2022 and confirmed by the III Additional District and Sessions Judge, Kallakurichi in Crl.A.No.9 of 2022 dated 09.01.2023 and enlarge the petition on bail, pending dispossal of the Criminal Revision Petition.

For Petitioner : Mr.R.Bharath Kumar

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.17 of 2019, vide judgement dated 29.03.2022, which was confirmed by the lower appellate Court in C,A.No.9



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of 2022, vide judgement dated 09.01.2023, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate Fast Track Court, Kallakurichi, vide judgment dated 29.03.2022 passed in S.T.C.No.17 of 2019, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year R.I. imprisonment and to pay the cheque amount of Rs.9,00,000/- as compensation under Section 357 (3) of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.9/2022, which was also confirmed by the learned III Additional District and Sessions Judge, Kallakurichi, vide judgment dated 09.01.2023.

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 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 Criminal Revision Petition and hence, prayed for



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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 concerned 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 Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Kallakurichi.***

(ii) The petitioner shall affix his photograph and Left Thumb



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Impression in the bond and the concerned Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

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

09.03.2023

(2/2)

Index: Yes/No
Internet: Yes/No
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To

1. The III Additional District and Sessions Judge, Kallakurichi.
2. The Judicial Magistrate, Fast Track Court, Erode.



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V.SIVAGNANAM, J.

srn

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