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Crl.MP.No.4734 of 2023 in Crl.RC.No.627 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.MP.NO.4734 OF 2023

IN

CRL.RC.NO.627 OF 2023

Dinesh Kumar ... Petitioner

Vs.

G.Ganesan ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) Cr.P.C. to suspend the sentence / conviction dated 28.09.2022 made in C.A.No.103 of 2020 on the file of the XVIII Additional City Civil and Sessions Judge, Chennai, confirming the judgment and conviction dated 25.02.2020, made in C.C.No.3997 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court of Magisterial Level – IV, George Town, Chennai, pending disposal of the Criminal Revision.

For Petitioner : Mr.V.Govindaraj
For Respondent : Mr.S.Sathish Rajan



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence / conviction dated 28.09.2022 made in C.A.No.103 of 2020 by the learned XVIII Additional City Civil and Sessions Judge, Chennai, confirming the judgment and conviction dated 25.02.2020, made in C.C.No.3997 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court of Magisterial Level – IV, George Town, Chennai, pending disposal of the above Criminal Revision.

2.The Trial Court, by its order dated 25.02.2020, passed in C.C.No.3997 of 2017, convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and to pay a compensation of Rs.12,00,000/- (Rupees Twelve Lakhs Only) within one month and in default of payment of the compensation, shall undergo a further period of three months simple imprisonment.

3.The Lower Appellate Court has also confirmed the said order, by its judgment dated 28.09.2022, in Crl.A.No.103 of 2020.

4.Challenging the judgment of conviction and sentence, the



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petitioner preferred the present Criminal Revision along with the instant petition, seeking to suspend the sentence of imprisonment.

5.The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

6.Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

7.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 Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

8. Accordingly, this Criminal Miscellaneous Petition is ordered



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as follows.

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(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial 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 Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai.

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Trial 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.

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To

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- 1.The XVIII Additional City Civil and Sessions Judge
Chennai.
- 2.The Metropolitan Magistrate
Fast Track Court of Magisterial Level – IV
George Town,
Chennai.
- 3.The Public Prosecutor
High Court of Madras
Chennai.



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V.SIVAGNANAM, J.

TK

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