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Crl.M.P.No.3296 of 2023 in Crl.R.C.A.No.440 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3296 of 2023
in Crl.R.C.No.440 of 2023

Amutharani

... Petitioner

-VS-

Palanisami

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed in STC.No.1173 of 2019 dated 28.02.2022 on the file of Judicial Magistrate No.1, Sankagiri confirmed in C.A.No.36 of 2022 on the file of 1st Additional District and Sessions Court, Salem dated 16.02.2023.

For Petitioner

... Mr.T.Muruganantham

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to enlarge the petitioner on bail by suspending the sentence imposed in



STC.No.1173 of 2019 dated 28.02.2022 on the file of Judicial Magistrate No.1, Sankagiri confirmed in C.A.No.36 of 2022 on the file of 1st Additional District and Sessions Court, Salem dated 16.02.2023.

2. The petitioner, who was the sole accused in S.T.C.No.1173 of 2019 was convicted and sentenced by the trial court on 28.02.2022 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 one year and to pay a cheque amount a sum of Rs.1,50,000/- way of compensation within a period of 3 months.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the 1st Additional District and Sessions Court, Salem in C.A.No.36 of 2022, dated 16.02.2023, and the trial Court is directed to take steps to secure the presence of the appellant / accused to undergo the period of sentence.

3. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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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 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 case.

5. Head the learned counsel for the petitioner and perused the materials available on record.

6. 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.

7. 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 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 executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Judicial Magistrate No.1, Sankagiri.

- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

07.03.2023
(2/2)

rna

To

- 1.The Judicial Magistrate No.1, Sankagiri.
- 2.The 1st Additional District and Sessions Court, Salem.



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V.SIVAGNANAM, J.

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