



*Crl.M.P.No.3379 of 2023 in
Crl.RC No.493 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 27.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.3379 of 2023 in
Crl.RC No.493 of 2023**

M.B.Sagadevan

... Petitioner

Vs.

1.Revathy Bojaraj

2.The State rep. by
Public Prosecutor of Nilgiris,
Ootacamund,
The Nilgiris.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389 & 439 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 07.01.2021 made in C.A.No.49/2015 on the file of the learned Sessions Judge, Magalir Neethimandram(Fast Track Mahalir Court) Udthagamandalam and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner
For respondents

: Mr.A.Bobblie
:Mr.R.Vinothraja, GA(Crl.side) for R2

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner in the judgment dated 07.01.2021 made in C.A.No.49/2015 on the file of the learned Sessions Judge, Magalir Neethimandram(Fast Track



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Mahalir Court) Udhagamandalam, pending disposal of the Criminal Revision Petition.

2.The learned Judicial Magistrate, Coonoor, The Nilgiris, vide judgment dated 07.04.2015 passed in C.C.No.75 of 2014, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 1 year simple imprisonment with a fine of Rs.1000/- and in default of payment of fine amount, to undergo simple imprisonment for one month.

3.Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.49/2015, before the learned Sessions Judge, Mahalir Neethimandram(Fast Track Mahalir Court) Udhagamandalam and the learned Sessions Judge vide judgment dated 07.01.2021, confirmed the judgement of the trial Court.

4.Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

5.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. He further submitted that already, the petitioner has paid the fine amount and hence, prayed for suspension of sentence.

6. Heard the learned counsel appearing for the petitioner and learned Government Advocate (crl.side) appearing for the second respondent 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 Petition, 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, 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 the



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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 at Coonoor, The Nilgiris.

(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 aforesaid Court as and when required.

27.03.2023

(2/3)

Index: Yes/No
Internet: Yes/No

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To

1. The learned Judicial Magistrate at Coonoor, The Nilgiris
2. The Sessions Judge, Magalir Neethimandram (Fast Track Mahalir Court) Udhagamandalam

V.SIVAGNANAM, J.

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