



*Crl.M.P.No.3950 of 2023 in
Crl.RC No.512 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3950 of 2023 in
Crl.RC No.512 of 2023

G.Palanivel

... Petitioner

Vs.

K.P.Radhakrishnan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner vide judgement dated 16.06.2022 made in C.C.No.275 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Kallakurichi which was confirmed in C.A.No.22/2022 dated 03.01.2023 on the file of the III Additional District and Sessions Court, Kallakurichi, Villupuram District and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.T.Muruganantham

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner vide judgment dated 16.06.2022 made in C.C.No.275 of 2016 on



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the file of the learned Judicial Magistrate, Fast Track Court, Kallakurichi which was confirmed in C.A.No.22/2022 dated 03.01.2023 on the file of the III Additional District and Sessions Court, Kallakurichi, Villupuram District, and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2.The learned Judicial Magistrate, Fast Track Court, Kallakurichi, vide judgment dated 16.06.2022 passed in C.C.No.275 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 1 year rigorous imprisonment and to pay the cheque amount of Rs.27,00,000/- as compensation within a period of 3 months in default, to undergo 2 months simple imprisonment under Section 357(3) of Cr.P.C. to the complainant.

3. Challenging the above judgement, the petitioner preferred an appeal in C.A.No.22 of 2022, on the file of the learned III Additional District and Sessions Judge, Kallakurichi, Villupuram District and the learned III Additional District and Sessions Judge, Kallakurichi, Villupuram District confirmed the judgement of the trial Court vide judgment dated 03.01.2023.

4.Aggrieved by the judgment of conviction passed by the Trial



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Court as well as lower Appellate Court, the petitioner filed the present Criminal Revision Case along with the instant petition, seeking to suspend the sentence of imprisonment.

5.The learned counsel for the petitioner submitted that the judgement 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 Case. 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 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



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8. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Kallakurichi.

(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.

17.03.2023

(2/2)

Index:Yes/No
Internet:Yes/No
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Issue order copy on 20.03.2023



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To

1. The III Additional District and Sessions Judge, Kallakurichi, Villupuram District.
- 2.The Judicial Magistrate, Fast Track Court, Kallakurichi.
- 3..The Superintendent, Central Prison, Cuddalore.
- 4.The learned Public Prosecutor, High Court of Madras.



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V.SIVAGNANAM, J.

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