



Crl.M.P.No.3742 of 2023
in
Crl.R.C.No.488 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/3/2023

C O R A M

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.3742 of 2023

in

Crl.R.C.No.488 of 2023

M. Venkatesan ... Petitioner

Vs

V. Mohan ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 397 and 401 of Cr.P.C. to suspend the sentence imposed on the petitioner by judgment dated 14/2/2023 made in C.A.No.59 of 2020 on the file of I Additional District & Sessions Court, Coimbatore, confirming the conviction and sentence dated 7/12/2019 made in C.C.No.303 of 2017 on the file of the Judicial Magistrate, Fast Track Court No.I (Magistrate level), Coimbatore, and enlarge the petitioner on bail pending disposal of this Criminal Appeal.

For Petitioner ... Mr.K.S.Karthik Raja



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ORDER

This Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner, dated 14/2/2022, made in C.A.No.59 of 2020, on the file of the learned I Additional District and Sessions Court, Coimbatore, confirming the conviction and sentence, dated 7/12/2019 made in C.C.No.303 of 2017, on the file of the learned Judicial Magistrate, Fast Track Court No.I (Magistrate Level), Coimbatore.

2. The Trial Court, vide judgment dated 14/2/2022, found guilty of offence under Section 138 of the Negotiable Instruments Act and convicted the accused, as per Section 255 (2) of the Code of Criminal Procedure, and sentenced him as under:

Conviction under Section	Sentence
Section 255 (2) of Cr.P.C.	Simple Imprisonment for 6 months and accused shall pay the compensation of Rs.12,00,000/- as per S.357 (3) of Cr.P.C., payable to the complainant within two months from the date of the judgment.

3. Challenging the conviction and sentence slapped by the Trial



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Court, the petitioner has filed C.A.No.59 of 2020 before the I Additional District and Sessions Judge, Coimbatore. By an order, dated 14/2/2023, I Additional District and Sessions Judge, Coimbatore, dismissed the appeal, confirming the judgment in C.C.No.303 of 2017, dated 7/12/2019 passed by the learned Fast Track Judicial Magistrate No.I, Coimbatore.

4. Being aggrieved, the petitioner has come before this Court by filing Criminal Revision Case along with Crl.M.P.No.3742 of 2023 for suspension of sentence.

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

6. Perused the impugned judgments and the materials available on record.



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7. Taking into consideration the 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 is directed to be enlarged on bail on condition that the petitioner ***shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.I (Magistrate Level), Coimbatore.***

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their



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identity.

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

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mvs.

To

1. I Additional District & Sessions Court, Coimbatore
2. The Judicial Magistrate, Fast Track Court No.I (Magistrate level), Coimbatore
3. The Public Prosecutor,
High Court of Madras, Chennai.

V.SIVAGNANAM, J



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