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Crl.MP.No.4803 of 2023 in Crl.RC.No.629 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.MP.NO.4803 OF 2023

IN

CRL.RC.NO.629 OF 2023

S.Jeeva

... Petitioner

Vs.

K.Balan

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 397(1) Cr.P.C. to suspend the sentence made under judgment dated 29.06.2022 in Crl.A.No.57 of 2021 on the file of Special Court for Trial of Cases Registered under SC / ST (POA) Act, Namakkal, confirming the conviction and sentence in the judgment dated 08.03.2021 made in C.C.No.526 of 2018 on the file of Judicial Magistrate No.I, Namakkal and enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.G.Ravi Kumar



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence made under judgment dated 29.06.2022 in Crl.A.No.57 of 2021 on the file of Special Court for Trial of Cases Registered under SC / ST (POA) Act, Namakkal, confirming the conviction and sentence made in the judgment dated 08.03.2021 in C.C.No.526 of 2018 on the file of Judicial Magistrate No.I, Namakkal and to enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2.The Trial Court, by its order dated 08.03.2021, passed in C.C.No.526 of 2018, convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo two years simple imprisonment and to pay a compensation of Rs.20,00,000/- (Rupees Twenty Lakhs Only).

3.The Lower Appellate Court has also confirmed the said



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order, by its judgment dated 29.06.2022, in Crl.A.No.57 of 2021.

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4.Challenging the judgment of conviction and sentence, the 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 the petitioner is now confined at Central Prison, Salem and 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



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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 as follows.

(i) The substantive sentence of imprisonment alone is suspended and 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 Trial Court;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;



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

05.04.2023

(2/2)

Note : Issue order copy on 06.04.2023

TK

To

- 1.The Judicial Magistrate No.I
Namakkal.
- 2.The Special Judge
Special Court for Trial of Cases Registered under SC / ST (POA) Act,
Namakkal.
- 3.The Superintendent
Central Prison
Salem.
- 4.The Public Prosecutor
High Court of Madras
Chennai.



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V.SIVAGNANAM, J.

TK

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