



Crl.M.P.No.4328 of 2023 in Crl.R.C.No.578 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 28.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.4328 of 2023 in
Crl.R.C.No.578 of 2023

Vinoth Kumar

... Petitioner

Vs.

Slvamangala Finance,
Rep.by its Manager and Partner,
A.Mahadevan,
D.No.1-A MTC Building, Samuel Street,
Ranipettai, Athur Town and Taluk,
Salem District.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code to suspend the sentence passed by the learned Judicial Magistrate, Fast Track Magistrate, Athur in S.T.C.No.12 of 2021 which was confirmed by the judgment in C.A.No.80 of 2021 dated 28.09.2022 by the learned I Additional District and Sessions Judge, Salem pending disposal of the above revision petition.

For Petitioner

: Mr.N.Velmurugan

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.12 of 2021, vide judgement dated 02.11.2021, which was confirmed by the first appellate Court in Crl.A.No.80/2021, vide judgment dated 28.09.2022, pending disposal of the Criminal Revision Petition.

2. The learned learned Judicial Magistrate, Fast Track Magistrate, Athur, by judgment dated 02.11.2021 in S.T.C.No.12 of 2021, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to pay a sum of Rs.1,01,500/- as compensation under Section 357(3) of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.80/2021 before the learned I Additional District and Sessions Judge, Salem and the learned Judge vide judgment dated 28.08.2022, confirmed the judgement of the Trial Court.

3. Challenging the conviction and sentence slapped by the Trial



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Court and the first Appellate Court, the petitioner is before this Court.

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

5. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

6. 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.

7. 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 date of receipt of a copy of this order and on such



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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, Fast Track Magistrate, Athur, Salem.*

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of her Aadhar card or Bank pass Book to ensure her identity.

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

28.03.2023
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Index:Yes/No
Internet:Yes/No
rpl

To

- 1.The I Additional District and Sessions Judge, Salem.
2. The Judicial Magistrate, Fast Track Magistrate, Athur.



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V.SIVAGNANAM, J.

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