



*Crl.M.P.No.4090 of 2023 in
Crl.RC No.546 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 21.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.4090 of 2023 in
Crl.RC No.546 of 2023

R.Lakshmanan

... Petitioner

Vs.

T.Arumugam

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in judgment passed in Crl.A.No.100 of 2021 dated 30.11.2022 confirming the order made in S.T.C.No.1562 of 2015 on the file of the Judicial Magistrate at Tiruvottiyur and enlarge the petitioner on bail pending disposal of criminal revision.

For Petitioner

: Mr.P.Manikannan

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.1562 of 2015, vide



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judgement dated 19.11.2021, which was confirmed by the IV Additional District and Sessions Judge, Tiruvallur at Ponneri in Crl.A.No.100 of 2021, vide judgement dated 30.11.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Tiruvottiyur, vide judgment dated 19.11.2021 passed in S.T.C.No.1562 of 2015, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay the cheque amount of Rs.4,50,000/- as compensation under Section 357 (3) of Cr.P.C. to the complainant, in default in payment of fine, to undergo one month simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.100 of 2021 on the file of the IV Additional District and Sessions Judge, Tiruvallur at Ponneri and the learned IV Additional District and Sessions Judge, Tiruvallur at Ponneri, vide judgment dated 30.11.2022, confirmed the judgment of the trial Court.



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

4. The learned counsel for the petitioner submitted that the judgment of the Courts below are contrary to law, weight of evidence and probabilities of the case. He further submitted that there are arguable points in this Revision and the petitioner has every chance to succeed 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.



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7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Judicial Magistrate, Tiruvottiyur, within two weeks from the 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, Tiruvottiyur.*

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the concerned 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.

21.03.2023
(2/2)

Index:Yes/No
Internet:Yes/No
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WEB COPY **To**

1. The IV Additional District and Sessions Judge, Tiruvallur, Ponneri
2. The Judicial Magistrate, Tiruvottiyur.



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V.SIVAGNANAM, J.

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