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Crl.M.P.No.8968 of 2023 in Crl.RC.No1056 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.8968 of 2023

in

Crl.RC.No.1056 of 2023

R. Anandha Sekar

... Petitioner

/vs/

S. Ramesh Kumar

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence dated 17.10.2016 made in C.C.No.69 of 2014 (C.C.No.586/2013, Judicial Magistrate – 7, Coimbatore) on the file of the Judicial Magistrate, fast Track Court at Magisterial Level – II, Coimbatore and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case on the file of this Court.

For Petitioner

... Mr.S.N. Arun Kumar

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.69 of 2014 (C.C.No.586/2013, Judicial Magistrate-7, Coimbatore), dated 17.10.2016 by the Judicial Magistrate, Fast Track Court at Magisterial



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Level-II, Coimbatore, which was confirmed by the IV Additional District and Sessions Judge, Coimbatore, by his judgment dated 23.10.2018 in C.A.No.136 of 2016 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.69 of 2014 (C.C.No.586/2013, Judicial Magistrate-7, Coimbatore), was convicted and sentenced by the trial court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for one year and a fine of Rs.10,000/-, in default in payment of fine amount, to undergo two months SI.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the IV Additional District and Sessions Judge, Coimbatore in C.A.No.136 of 2016, dated 23.10.2018. Challenging the above conviction and sentence, the petitioner has filed Criminal Revision Case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. The learned counsel for the petitioner submitted that the judgment



of the trial court and 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 this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

4. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence available on record.

5. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Judicial Magistrate Fast Track Court at Magisterial Level-II, Coimbatore, 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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the above said court.

- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the abovesaid Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

27.06.2023

msr

To

1. The Judicial Magistrate,
Fast Track Court at
Magisterial Level-II,
Coimbatore.
2. The IV Additional District and
Sessions Judge at Coimbatore.

V.SIVAGNANAM, J.

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