



Crl.M.P.No.4709 of 2023 in Crl.RC.No.622 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06.04.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.4709 of 2023**

**in**

**Crl.RC.No.622 of 2023**

R. Sundarrajan

... Petitioner

/vs/

V. Govardhanan  
represented by General Power Agent,  
P.K. Venkatesan,  
Door No.24/2, Tank Street,  
Velappanaicken Pudur,  
Coimbatore 641 035.

.. Respondent

**Prayer :** Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to suspend the sentence passed on the petitioner in C.C.No.563 of 2017 on the file of the learned Judicial Magistrate Fast Track Court No.I, Coimbatore, dated 10.02.2021 and the same was confirmed by the judgment of the learned I Additional District and Sessions Judge, Coimbatore District dated 09.01.2023 in C.A.No.167 of 2021, pending disposal of the above Criminal Revision Case.

For Petitioner

... Mr.V. Chinnasamy

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.563 of 2017, dated



10.02.2021 by the Judicial Magistrate Fast Track Court No.I, Coimbatore, which was confirmed by the I Additional District and Sessions Judge, Coimbatore District by his judgment dated 09.01.2023 in C.A.No.167 of 2021, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.563 of 2017 was convicted and sentenced by the trial court on 10.02.2021 as follows:

| <b><i>Petitioner's Rank</i></b> | <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                                                                                                                                            |
|---------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sole accused                    | U/s.138 of NI Act                             | To undergo SI for 6 months and to pay a compensation of Rs.5,00,000/- to the complainant within a period of 2 months from the date of judgment, in default, to undergo default sentence of 2 months imprisonment. |

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the I Additional District and Sessions Judge, Coimbatore District by his judgment dated 09.01.2023 in C.A.No.167 of 2021.

3. Challenging the above conviction and sentence, the petitioner has



filed the present Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. 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 case.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. 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.

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



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- (i) The petitioner shall surrender before the Judicial Magistrate Fast Track Court No.1, 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 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.

06.04.2023

msr

To

1. The Judicial Magistrate Fast Track Court No.I,  
Coimbatore.
2. The I Additional District and Sessions Judge,  
Coimbatore District.

**V.SIVAGNANAM, J.**



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