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Crl.MP No.4395 of 2023
in Crl.RC.No.555 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.MP.NO.4395 OF 2023

IN

CRL.RC.NO.555 OF 2023

J.Mathiyalagan

... Petitioner

Vs.

Ramakrishnan

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 397(1) Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 06.09.2021 made in C.A.No.03 of 2019 on the file of the IV Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 04.12.2018 made in C.C.No.153 of 2015 on the file of the Judicial Magistrate, Fast Track Court Magisterial Level – 2, Coimbatore, and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

For Petitioner : Mr.N.Ponraj

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence of imprisonment imposed on him in the judgment dated 06.09.2021 made in C.A.No.03 of 2019 by the learned IV Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 04.12.2018 made in C.C.No.153 of 2015 by the learned Judicial Magistrate, Fast Track Court Magisterial Level – 2, Coimbatore and to enlarge him on bail pending disposal of the above Criminal Revision.

2.The Trial Court, by its order dated 04.12.2018, passed in C.C.No.153 of 2015, has convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.16,00,000/- with interest @ 6% per annum from the date of cheque to the complainant, within one month from the date of judgment and in default, undergo 3 months simple imprisonment.

3.The Lower Appellate Court has also confirmed the said order,



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by its judgment dated 06.09.2021, in Crl.A.No.03 of 2019.

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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 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 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.



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(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 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 Court Magisterial Level-2, Coimbatore.

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

29.03.2023

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1.The IV Additional District and Sessions Judge
Coimbatore.

2.The Judicial Magistrate
Fast Track Court Magisterial Level – 2,
Coimbatore.



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V.SIVAGNANAM, J.

TK

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29.03.2023

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