



WEB COPY



Crl.M.P.No.6299 of 2023 in Crl.RC.No.821 of 2023

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

**DATED : 28.04.2023**

**CORAM**

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

**Crl.M.P.No.6299 of 2023**

**in**

**Crl.RC.No.821 of 2023**

Mrs.Semalathamathi

... Petitioner

/vs/

Sudhir

.. Respondent

**Prayer :** Criminal Miscellaneous Petition filed under section 397 (1) and 401 of Cr.P.C., to suspend the sentence imposed in C.A.No.57 of 2022 on the file of the learned Sessions Division of the Nilgiris District at Udthagamandalam, dated 20.03.2022 confirming the conviction and sentence passed by the Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor in STC.No.27 of 2020, dated 31.10.2022 and enlarge the petitioner on bail.

For Petitioner ... Mr.J. Franklin

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 31.10.2022 in STC.No.27 of 2020 on the file of Judicial Magistrate, Fast



Track Court at Magisterial Level, Coonoor, which was confirmed by the Sessions Division of the Nilgiris District at Udthagamandalam by the judgment made in C.A.No.57 of 2022, dated 20.03.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

2. The petitioner was convicted and sentenced by the trial court on 31.10.2022 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 six months and to pay a compensation of Rs.3,00,000/- to the complainant within three months from the date of judgment, failing which, to undergo SI for 2 months |

Aggrieved over the judgment of conviction and sentence imposed on the petitioner by the trial court, the petitioner preferred Criminal Appeal in Crl.A.No.57 of 2022 before the Sessions Division of the Nilgiris District at Udthagamandalam, wherein, the lower appellate court, by judgment dated 20.03.2022, confirmed the conviction and sentence imposed on the petitioner by the trial court. 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.

WEB COPY

3. The learned counsel for the petitioner submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. The impugned order dated 20.03.2022 passed by the lower appellate court is erroneous, illegal and liable to be set aside. He further submitted 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.

4. Heard the learned counsel for the petitioner and perused the materials 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:



WEB COPY



- (i) The petitioner shall surrender before the Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor, 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 abovesaid Court.
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the abovesaid Court may obtain a copy of Aadhaar card or Bank pass Book to ensure the identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

28.04.2023

msr

To

1. The Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor.
2. The Sessions Division of the Nilgiris District at Udhagamandalam



WEB COPY



Crl.M.P.No.6299 of 2023 in Crl.RC.No.821 of 2023

**V.SIVAGNANAM, J.**

msr

**Crl.M.P.No.6299 of 2023**  
**in**  
**Crl.RC.No.821 of 2023**

28.04.2023