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Crl. M.P. No.8627 of 2023 in Crl.R.C.No.1087 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.8627 of 2023
in Crl.R.C. No.1087 of 2023

D.Ramdass

...Petitioner

vs.

V.Rajendran

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973 to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 20.10.2021 made in Crl.A.No.343/2019 on the file of the learned III Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 24.09.2019 made in C.C No.444/2017 on the file of the learned Judicial Magistrate, Fast Track Court, Magistrate Level-1, Coimbatore, pending disposal of the above revision.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondent : No appearance

ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the III Additional District and Sessions Judge,



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Coimbatore in Crl.A.No.343/2019 on 20.10.2021, confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Magistrate Level-1, Coimbatore dated 24.09.2019 in C.C No.444/2017 and to enlarge the petitioner on bail.

2. The petitioner is the accused in C.C.No.444/2017 before the learned Judicial Magistrate, Fast Track Court, Magistrate Level-1, Coimbatore and he was convicted and sentenced on 24.09.2019 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 138 of NI Act.	Simple imprisonment for six months and to pay a compensation of Rs.25,00,000/- within a period of two months, in default, to undergo simple imprisonment for two months.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in Crl.A.No.343 of 2019 before the learned III Additional District and Sessions Judge, Coimbatore and the same was dismissed vide orders dated 20.10.2021, confirming the judgment passed by the trial court.



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4. Now the present revision petitioner/ accused has filed the criminal revision in Crl.R.C.No.1087/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Mr.Krishnasamy Chinnasamy, learned counsel for the petitioner contended that the present accused has been convicted for a period of six months and that he has been in incarceration for the past 5 months and therefore, he prayed for suspension of sentence. He also contended that the present petitioner is ready to pay a sum of Rs.5,00,000/- to the credit of C.C.No.444/2017 on the file of the Judicial Magistrate, Fast Track Court, Magistrate Level-1, Coimbatore.

6. Considering the period of incarceration of the present accused, this criminal miscellaneous petition is allowed and the sentence is suspended, however, subject to the following conditions:

- i. The petitioner is directed to deposit a sum of Rs.5,00,000/- to the credit of C.C.No.444/2017 before the learned Judicial Magistrate, Fast Track Court, Magistrate Level-1, Coimbatore, as assured by him.
- ii. The petitioner shall thereafter execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood



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relative, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court, Magistrate Level-1, Coimbatore.

- iii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iv. The petitioner shall appear before the trial court everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the Criminal Revision Petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.
- v. The trial court judge can permit the accused to execute the bond as mentioned in condition (ii) only after the compliance of condition (i) by the accused.

21.07.2023

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R.HEMALATHA, J.
mtl

To

- 1.The III Additional District and Sessions Judge, Coimbatore.
- 2.The learned Judicial Magistrate,
Fast Track Court, Magistrate Level-1, Coimbatore.
- 3.The Central Prison, Coimbatore.
- 4.The Section Officer, Criminal Section, Madras High Court, Chennai.

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