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Crl.M.P.No.5018 of 2023 in Crl.RC.No.584 of 2023

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

**DATED : 19.04.2023**

**CORAM**

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

**Crl.M.P.No.5018 of 2023**

**in**

**Crl.RC.No.584 of 2023**

M. Gnanasekaran

... Petitioner

/vs/

J. Rajesh

.. Respondent

**Prayer** : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 06.02.2023 made in C.A.No.06 of 2022 on the file of Principal sessions Judge, Dharmapuri, confirming the judgment dated 01.12.2021 made in STC.No.52 of 2020 on the file of Judicial Magistrate, Fast Track Court (ML), Dharmapuri and enlarge the petitioner on bail pending disposal of Criminal revision Case.

For Petitioner

... Mr.N. Ponraj

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to



suspend the sentence of conviction and sentence dated 01.12.2021 imposed on the petitioner by the Judicial Magistrate, Fast Track Court (ML), Dharmapuri in STC.No.52 of 2020 which was confirmed by the Principal Sessions Judge, Dharmapuri, by judgment dated 06.02.2023 in C.A.No.06 of 2022 and enlarge the petitioner on bail pending disposal of Criminal Revision Case.

2. The petitioner, who was the sole accused in STC.No.52 of 2020 was convicted and sentenced by the trial court 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 compensation of Rs.7,00,000/- within a period of two months, in default, to undergo SI for further one month. |

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Principal Sessions Judge, Dharmapuri in C.A. No.06 of 2022, dated 06.02.2023 . Challenging the above conviction and sentence, the petitioner has filed Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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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. 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.

5. 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 (ML), Dharmapuri, 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 a own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the above said Court.



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

19.04.2023

msr

To

- 1.The Judicial Magistrate FTC (ML), Dharmapuri.
- 2.The Principal sessions Judge, Dharmapuri.



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**V.SIVAGNANAM, J.**

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