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Crl.M.P.No.6424 of 2023 in Crl.RC.No.840 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6424 of 2023

in

Crl.RC.No.840 of 2023

C. Rajangam	...	Petitioner
	/vs/	
Gopalakrishnan	...	Respondent

Prayer : Criminal Miscellaneous Petition filed under sections 397 and 439 of Cr.P.C., to suspend the sentence imposed on the petitioner in C.A.No.33 of 2022 on the file of the Additional District and Sessions Judge at Tiruvannamalai, dated 10.01.2023, confirming the conviction and sentence passed by the Judicial Magistrate, Fast Track Court (Magisterial Level) Tiruvannamalai, Tiruvannamalai District in C.C.No.217 of 2019, by the judgment dated 16.09.2021.

For Petitioner ... Mr.T. Shanmugam

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.217 of 2019, dated 16.09.2021 by the Judicial Magistrate, Fast Track



Court (Magisterial Level) at Tiruvannamalai, which was confirmed by the judgment passed in C.A.No.33 of 2022, dated 10.01.2023 by the Additional District and Sessions Judge at Tiruvannamalai and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.217 of 2019 was convicted and sentenced by the trial court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for six months;
		he was also ordered to pay dishonoured cheque amount of Rs.10,00,000/-- as compensation to the complainant, failing which, the accused is sentenced to undergo two months SI.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Additional District and Sessions Judge at Tiruvannamalai in C.A.No.33 of 2022, dated 10.01.2023. 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.

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. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence 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:

- (i) The petitioner shall surrender before the Fast Track Court (Magistrate Level), Tiruvannamalai District 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 an own bond for a sum of



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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.

01.06.2023

msr

To

1. The Additional District and Sessions Judge,
Tiruvannamalai
2. The Judicial Magistrate, Fast Track Court,
(Magisterial Level), Tiruvannamalai,
Tiruvannamalai District.



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V.SIVAGNANAM, J.

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