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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6554 of 2023 in
Crl.RC No.856 of 2023

Chandran ... Petitioner

Vs.

K.Selvakumar ... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 14.03.2013 made in C.A.No.48 of 2022 on the file of the District Judge, Nilgiris confirming the conviction and sentence imposed on the petitioner by the judgment dated 21.09.2022 made in S.T.C.No.9507 of 2016 on the file of the Judicial Magistrate, Gudulur and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner : Mr.K.F.Manavalan

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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 14.03.2013 made in C.A.No.48 of 2022 on the file of the District Judge, Nilgiris confirming the conviction and sentence imposed on the petitioner by judgment dated 21.09.2022 made in S.T.C.No.9507 of 2016 on the file of the Judicial Magistrate, Gudulur and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned Judicial Magistrate Gudulur, vide judgment dated 21.09.2022 passed in S.T.C.No.9507 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months Simple imprisonment and to pay a sum of Rs.4,00,000/- within a period of 3 months towards compensation under Section 357[3] of Cr.P.C. to the respondent/complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.48 of 2022, which was also confirmed by the learned District Judge, Nilgiris, vide judgment dated 14.03.2013.

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3. Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there is no duly proved legally enforeable debt as against the petitioner and there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

6. 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 Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows :

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(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the concerned 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, Gudulur.***

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

02.06.2023

Index:Yes/No
Internet:Yes/No
vrc

To

1. The District Judge, Nilgiris.

2.The Judicial Magistrate, Gudulur.

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V.SIVAGNANAM, J.

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