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Crl.M.P.No.5359 of 2023 in Crl.RC.No.696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.5359 of 2023

in

Crl.RC.No.696 of 2023

P. Sekar

... Petitioner

/vs/

Mr.S. Arulmanickam

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence of conviction and imprisonment dated 16.10.2018 imposed on the petitioner by the learned District Munsif cum Judicial Magistrate, Vedaranyam in STC.No.105 of 2016 and enlarge the petitioner on bail pending disposal of Criminal revision Case.

For Petitioner

... Mr.S. Shankar
for Mr.M.Palanivel

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of conviction and imprisonment dated 16.10.2018 imposed on the petitioner by the learned District Munsif cum Judicial



Magistrate, Vedaranyam in STC.No.105 of 2016 which was confirmed by the Principal sessions Judge, Nagapattinam by judgment dated 28.02.2023 in C.A.No.70 of 2018 and enlarge the petitioner on bail pending disposal of Criminal Revision Case.

2. The petitioner, who was the sole accused in STC.No.105 of 2016 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 and a fine of Rs.3000/-, in default in payment of fine, to undergo SI for one month.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Principal Sessions Judge, Nagapattinam in C.A. No.70 of 2018, dated 28.02.2023 . 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.

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 District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam 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 a own bond for a sum of 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 above said Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and;



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(iii) The petitioner shall appear before the trial Court as and when required.

19.04.2023

msr

To

- 1.The District Munsif cum Judicial Magistrate,
Vedaranyam, Nagapattinam District.
- 2.The Principal sessions Judge, Nagapattinam.

V.SIVAGNANAM, J.



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06.03.2023