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*Crl.M.P.No.7558 of 2023 in
Crl.RC No.928 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.7558 of 2023 in
Crl.RC No.928 of 2023**

S.Arun Kumar

... Petitioner

Vs.

M/s.Gipsy Management Pvt. Ltd.,
Rep. by its Authorized Person Mr.Digvijay Singh Chouhan
149, Montieth Road, Egmore, Chennai – 600 008.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the execution of sentence of imprisonment imposed on the petitioner in the judgment dated 15.03.2023 made in C.A.No.397 of 2019 on the file of the VII Additionbal City Civil Court, Chennai confirming the conviction and sentence imposed on the petitioner by the judgment dated 23.10.2019 made in C.C.No.2037 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town, Chennai and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.K.R.Sankaran



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 15.03.2023 made in C.A.No.397 of 2019 on the file of the VII Additionbal City Civil Court, Chennai confirming the conviction and sentence imposed on the petitioner by judgment dated 23.10.2019 made in C.C.No.2037 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town, Chennai and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town, Chennai, vide judgment dated 23.10.2019 passed in C.C.No.2037 of 2017, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo two years Simple imprisonment and to pay compensation of a sum of Rs.22,10,175/- to the complainant under section 357[3] of Cr.P.C. within one month and in default of payment of the compensation, the accused shall undergo further period of four months simple imprisonment. Challenging the above judgment, the petitioner



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preferred an appeal in Crl.A.No.397 of 2019, which was also confirmed by the learned VII Additionbal City Civil Court, Chennai, vide judgment dated 15.03.2023.

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 the petitioner and the respondent had business transactions and the respondent has failed to produce entire delivery challans and corresponding payments details to fasten liability on the petitioner. The learned counsel for the petitioner would further submit 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



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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 :

(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 Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town, Chennai.***

(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



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Index: Yes/No
Internet: Yes/No

vrc

To

1. The VII Additionbal City Civil Court, Chennai.
2. The Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town, Chennai.



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V.SIVAGNANAM, J.

VTC

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