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Crl.MP No.6146 of 2023 in Crl.RC.No.794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.MP.NO.6146 OF 2023
IN CRL.RC.NO.794 OF 2023

P.Venkatesan

... Petitioner

Vs.

R.Ramani

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 397(1) Cr.P.C. to suspend the sentence imposed in the judgment passed in Cr.A.No.197 of 2019 dated 04.03.2023 on the file of XVII Additional Session Judge at Chennai in confirming the order of conviction dated 15.04.2019 passed in C.C.No.1342/2016 on the file of Metropolitan Magistrate Fast Track Court No.IV, George Town at Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.R.Sreedhar



Crl.MP No.6146 of 2023 in Crl.RC.No.794 of 2023

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed in the judgment passed in Cr.A.No.197 of 2019 dated 04.03.2023 on the file of XVII Additional Session Judge at Chennai in confirming the order of conviction dated 15.04.2019 passed in C.C.No.1342 of 2016 on the file of Metropolitan Magistrate, Fast Track Court No.IV, George Town at Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2.The Trial Court, by its order dated 15.04.2019 passed in C.C.No.1342 of 2016 convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo ten months simple imprisonment and the accused was directed to pay a compensation of Rs.1,45,000/- with 9% interest per annum from the date of dishonour of cheque, to the complainant, within one month from the date of judgment, failing which, undergo two months simple imprisonment. Against which, the petitioner preferred an appeal in Criminal Appeal No.197 of 2019 and the same was dismissed on 04.03.2023 by the Appellate Court.



Crl.MP No.6146 of 2023 in Crl.RC.No.794 of 2023

3.Challenging the judgment of conviction and sentence, the petitioner preferred the present Criminal Revision along with the instant Criminal Miscellaneous Petition, seeking to suspend the sentence of imprisonment.

4.The learned counsel for the petitioner submitted that the petitioner had borrowed a sum of Rs.1,45,000/- as hand loan to meet out his family expenses and agreed to repay the same within a week. Subsequently, he issued a cheque bearing No.001142 dated 09.10.2014 for a sum of Rs.1,45,000/- drawn on City Union Bank, Maraimalai Nagar. When the respondent presented the cheque for realization, the same was returned with an endorsement “accounts closed”. There are some arguable points in favour of the petitioner in the Criminal Revision Case and hence, prayed for suspension of sentence.

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

6.Taking into consideration of the above submission of the



Crl.MP No.6146 of 2023 in Crl.RC.No.794 of 2023

learned counsel appearing for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, 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, till the disposal of the Criminal Revision, the suspension of sentence and bail are granted to the petitioner, on the following conditions:-

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial 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 No.IV, George Town, Chennai.

(ii) The petitioner shall affix his photograph



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Crl.MP No.6146 of 2023 in Crl.RC.No.794 of 2023

and Left Thumb Impression in the bond and the Trial 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.

8.The Criminal Miscellaneous Petition is ordered accordingly.

28.04.2023

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TK

To

1.The XVII Additional Session Judge
Chennai.

2.The Metropolitan Magistrate
Fast Track Court No.IV,
George Town, Chennai.

V.SIVAGNANAM, J.

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5/6



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Crl.MP.No.6146 of 2023 in Crl.RC.No.794 of 2023

CRL.MP.NO.6146 OF 2023
IN CRL.RC.NO.794 OF 2023

28.04.2023

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