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CrI.M.P.No.8207 of 2023 in CrI.RC.No.1032 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.8207 of 2023
in CrI.RC.No.1032 of 2023

G.Kanagasabai ... Petitioner

/vs/

S.Rekha Jain .. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence of imprisonment imposed in the judgment dated 21.07.2022 made in CrI.A.No.45 of 2021 on the file of the XX Additional Sessions Judge, City Civil Court at Chennai confirming the conviction imposed in judgment dated 04.02.2021 made in C.C.No.115 of 2016 on the file of the Fast Court at Magisterial Level-IV, George Town, Chennai -1 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner ... Mr. T.Sundaravadanam

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Metropolitan Magistrate, Fast Track Court-



IV (Magisterial Level), George Town, Chennai in C.C.No.115 of 2016, vide judgement dated 04.02.2021, which was confirmed by the learned XX Additional Sessions Judge, City Civil Court at Chennai in CrI.A.No.45 of 2021, vide judgement dated 21.07.2022, pending disposal of the Criminal Revision Petition.

2. The trial Court, by its judgment dated 04.02.2021 convicted and sentenced the petitioner/accused 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 ten months and to pay a compensation of Rs.4,30,000/-, in default, to undergo further period of two months SI.

3 Challenging the above judgment, the petitioner preferred an appeal in CrI.A.No.45 of 2021 on the file of the XX Additional Sessions Court, City Civil Court at Chennai and the learned XX Additional Sessions Judge, City Civil Court, Chennai, vide judgment dated 21.07.2022, confirmed the judgment of the trial Court.



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

5.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 case.

6.Head the learned counsel for the petitioner and perused the materials available on record.

7.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.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the learned Metropolitan Magistrate, Fast Track Court-IV (Magisterial Level), George Town, Chennai 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-IV (Magisterial Level), 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 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.

22.06.2023

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To

1. The XX Additional Sessions Judge, City Civil Court, Chennai.
2. The learned Metropolitan Magistrate,
Fast Track Court-IV(Magisterial Level), George Town, Chennai



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V.SIVAGNANAM, J.

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