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Crl.M.P.No.8018 of 2023 in Crl.RC.No.988 of 2023



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 14.06.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.8018 of 2023**

**in**

**Crl.RC.No.988 of 2023**

K.C. Aandamuthu

... Petitioner

/vs/

P. Rajendran

... Respondent

**Prayer :** Criminal Miscellaneous Petition filed under sections 397(1) r/w.439 of Cr.P.C., to suspend the sentence imposed by the III Addl. District and Sessions Judge, Gobichettipalayam in C.A.No.21 of 2022 by judgment dated 24.01.2023, by confirming the judgment and sentence passed by the Judicial Magistrate No.2 Gobichettipalayam in C.C.No.83 of 2017, dated 07.10.2021 and enlarge the petitioner on bail, pending disposal of the criminal revision case.

For Petitioner

... Mr I.M. Siddartha Ramarajan

**ORDER**

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in



C.C.No.83 of 2017, dated 07.10.2021 by the Judicial Magistrate No.2, Gobichettipalayam, which was confirmed by the judgment passed in C.A.No.21 of 2022, dated 24.01.2023 by the III Addl. District and Sessions Judge, Gobichettipalayam and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.83 of 2017 was convicted and sentenced by the trial court as follows:

| <b><i>Petitioner's Rank</i></b> | <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                                    |
|---------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Sole accused                    | U/s.138 of NI Act                             | To undergo SI for one year;                                                                               |
|                                 |                                               | he was also ordered to pay dishonoured cheque amount of Rs.7,00,000/- as compensation to the complainant. |

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the III Addl. District and Sessions Judge, Gobichettipalayam in C.A.No.21 of 2022, dated 24.01.2023. 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. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence available on record.

5. 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.

6. 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 III Addl. District and Sessions Judge, Gobichettipalayam 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



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his executing an 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 abovesaid Court may obtain a copy of her Aadhaar card or Bank pass Book to ensure her identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

14.06.2023

(2/2)

msr

To

1. The III Addl. District and Sessions Judge, Gobichettipalayam
2. The Judicial Magistrate No.2 Gobichettipalayam



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**V.SIVAGNANAM, J.**

msr

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