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Crl.M.P.No.6443 of 2023 in Crl.RC.No.841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6443 of 2023

in

Crl.RC.No.841 of 2023

R. Murugan

Proprietor of Ragavendra Seeds,

Mochaikottaiyar Thottam,

Gengavalli,

Gangavalli Tk.,

Salem District

... Petitioner

/vs/

Raju

Proprietor of Dhurga Seeds,

Indra Nagar, Siruvachiyur Post,

Attur Taluk, Salem District.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(i) of Cr.P.C., to suspend the sentence imposed on the petitioner by the Judicial Magistrate, Fast Track Court, Attur by judgment dated 4.10.2021 in STC.No.63 of 2020, confirmed by the Principal District Sessions Judge, salem, by judgment dated 07.11.2022 passed in C.A.No.71 of 2021.

For Petitioner

... Mr.T. Shanmugam
for Mr.B. Vasudevan



ORDER

WEB COPY This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in S.T.C.No.63 of 2020, dated 04.10.2021 by the Judicial Magistrate Fast Track Court, Attur, which was confirmed by the judgment passed in C.A.No.71 of 2021, dated 07.11.2022 by the Principal District and Sessions Judge, Salem and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in S.T.C.No.63 of 2020 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;
		he was also ordered to pay dishonoured cheque amount of Rs.8,20,000/- as compensation to the complainant .

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Principal District and Sessions Judge, Salem in C.A.No.71 of 2021, dated 07.11.2022 . 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.

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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:



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- (i) The petitioner shall surrender before the Judicial Magistrate (Fast Track) Court, Attur, 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 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 his Aadhaar card or Bank pass Book to ensure his identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

01.06.2023

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To

1. The Judicial Magistrate,
Fast Track Court, Attur.
2. The Principal District Sessions Judge,
Salem.

V.SIVAGNANAM, J.



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