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*Crl.M.P.No.7536 of 2023 in
Crl.RC No.922 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.7536 of 2023 in
Crl.RC No.922 of 2023**

Nagarajan

... Petitioner

Vs.

Gopalakrishnan Nair
Prop. Pioneer Inc.Rep. by his Power of Attorney Agent,
Mr.G.Sundaresan, Accounts Manager

... 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 18.02.2023 made in C.A.No.7 of 2017 on the file of the Additional District and Sessions Judge, Kancheepuram District at Chengalpet confirming the conviction and sentence imposed on the petitioner by the judgment dated 28.12.2016 made in C.C.No.159 of 2015 on the file of the Judicial Magistrate, Fast Track Court, Alandur and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.K.V.Muthu Visakan



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 18.02.2023 made in C.A.No.7 of 2017 on the file of the Additional District and Sessions Judge, Kancheepuram District at Chengalpet confirming the conviction and sentence imposed on the petitioner by judgment dated 28.12.2016 made in C.C.No.159 of 2015 on the file of the Judicial Magistrate, Fast Track Court, Alandur and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned Judicial Magistrate Fast Track Court, Alandur, vide judgment dated 28.12.2016 passed in C.C.No.159 of 2015, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year Simple imprisonment and to pay a fine of Rs.5000/- in default to undergo three months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.7 of 2017, which was also confirmed by the learned Additional District and Sessions Judge, Kancheepuram District at Chengalpet, vide judgment dated 18.02.2023.



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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 is a tenant under the complainant and a civil suit in O.S.No.113 of 2016 on the file of the Additional District Court, Chengalpet is pending between the parties and the cheque has been issued only to pay service tax in the nature of security and 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 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 :



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(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 Judicial Magistrate, Fast Track Court, Alandur.***

(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

Index:Yes/No
Internet:Yes/No
vrc

To

1. The Additional District and Sessions Judge, Kancheepuram District at Chengalpet.
- 2.The Judicial Magistrate, Fast Track Court, Alandur.



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V.SIVAGNANAM, J.

VTC

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