



Crl.M.P. No.9708 of 2023 in Crl.R.C. No.1239 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

**Crl.M.P. No.9708 of 2023 in
Crl.R.C. No.1239 of 2023**

S. Chandrasekar

...Petitioner

Vs.

B. Raghu

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 and 439 Cr.P.C. praying to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.III, Coimbatore vide judgment dated 02.01.2019 in C.C., No.412 of 2013 as confirmed by the appellate court in C.A. No.39 of 2019 on the file of the learned V Additional District and Sessions Judge, Coimbatore by judgment dated 30.01.2023.

For Petitioner : Mr.S. Arivazhagan



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ORDER

This criminal miscellaneous petition is filed seeking to suspend the sentence imposed by the learned V Additional District and Sessions Judge, Coimbatore, in C.A. No.39 of 2019 on 30.01.2023, confirming the conviction and sentence passed by the learned Judicial Magistrate No.III, Coimbatore, vide his judgment dated 02.01.2019, in C.C. No.412 of 2013.

2.The petitioner, who was the accused in C.C.No.412 of 2013 before the Judicial Magistrate No.III, Coimbatore, was convicted and sentenced on 02.01.2019 as follows:

S.No.	Provision under convicted	Sentence
1	Section 138 of Negotiable Instrument Act.	Rigorous imprisonment for two years and to pay a compensation amount of Rs.2,08,000/- to the complainant under Section 357(3) Cr.P.C. within a period of three months, in default, to undergo further simple imprisonment for six months.

3. The appeal filed by the petitioner/accused in Crl.A. No.39 of



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2019 before the learned V Additional District and Sessions Judge, Coimbatore, was also dismissed vide judgement dated 30.01.2023.

4.Challenging the above, the petitioner/ accused has filed Crl.R.C.No.1239 of 2023 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5.Learned counsel for the petitioner contended that the both the courts below had directed the present petitioner to pay twice the cheque amount and also to undergo simple imprisonment for a period of two years. It is also contended by him that the present petitioner is aged 45 years and he is a diabetic patient. He would also contend that he is ready to pay 25% of the compensation amount (Rs.52,000/-).

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with certain conditions.



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7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- i. The petitioner shall pay a sum of Rs.52,000/- to the credit of C.C.No.412 of 2013, on the file of the the Judicial Magistrate No.III, Coimbatore, within a period of three weeks from the date of receipt of a copy of this order.
- ii. The petitioner shall execute a bond for a sum of Rs.25,000/, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.III, Coimbatore.
- iii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iv. The petitioner shall appear before the trial court everyday at 10.30



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a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the Criminal Revision Petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
bga

To

1. The Judicial Magistrate No.III, Coimbatore.

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