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Crl.M.P.No.7741 of 2023 in Crl.RC.No.952 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.7741 of 2023

in

Crl.RC.No.952 of 2023

P. Elumalai

...

Petitioner

/vs/

P. Srinivasan

...

Respondent

Prayer : Criminal Miscellaneous Petition filed under sections 397 (1) of Cr.P.C., to suspend the sentence imposed on the petitioner in Crl.A.No.08 of 2020 dated 16.02.2023 on the file of the Principal District and Sessions Judge, Vellore, Vellore District, confirming the judgment and conviction in C.C.No.129 of 2014 on the file of the Judicial Magistrate, Gudiyatham, Vellore District on 06.01.2020 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner

... Mr.S.Vijayakumar

ORDER

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



C.C.No.129 of 2014, dated 06.01.2020 by the Judicial Magistrate, Gudiyatham, Vellore District, which was confirmed by the judgment passed in C.A.No.08 of 2020, dated 16.02.2023 by the Principal District and Sessions Judge, Vellore, Vellore District, 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.129 of 2014 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 two years and to pay the cheque amount of Rs.3,00,000/- as compensation to the complainant.

3. The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Principal District and Sessions Judge, Vellore District in Crl.A.No.8 of 2020, by his judgment dated 16.02.2023. Challenging the above conviction and sentence, the petitioner has filed the present Criminal Revision Case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4.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.

5. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence available on record.

6. 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.

7. 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 Judicial Magistrate, Gudiyatham 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



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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 her 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.

09.06.2023

msr

To

1. The Principal District and Sessions Judge,
Vellore District
2. The Judicial Magistrate,
Gudiyatham, Vellore District

V.SIVAGNANAM, J.

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