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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.18848 of 2019
in
Crl.R.C.No.1492 of 2019

K.Shesadri ... Petitioner

/vs/

R.Prabhakar ..
Respondent

Prayer: Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the execution of the conviction and sentence to undergo simple imprisonment for the term of one year and the appellant/accused directed to pay compensation for a Rs.10,00,000/- to the complainant dated 30.11.2016 passed in C.C.No.7777 of 2006 against the petitioner/appellant by the learned Metropolitan Magistrate, Fast Track-II, Chennai and confirmed in Criminal Appeal No.311 of 2016 dated 11.09.2018 on the file of the learned III Additional Sessions Judge, Chennai pending disposal of the above main appeal.

For petitioner ... Mr. A.B.Ashok

For Respondent ... Mr.N.S.Sivakumar

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O R D E R

This Criminal Miscellaneous Petition has been preferred seeking to suspend the execution of the conviction and sentence to undergo simple imprisonment for the term of one year and the appellant/accused directed to pay compensation for a Rs.10,00,000/- to the complainant dated 30.11.2016 passed in C.C.No.7777 of 2006 against the petitioner/appellant by the learned Metropolitan Magistrate, Fast Track-II, Chennai and confirmed in Criminal Appeal No.311 of 2016 dated 11.09.2018 on the file of the learned II Additional Sessions Judge, Chennai pending disposal of the above main appeal.

2. The Trial Court, by its judgment dated 30.11.2016 made in C.C.No.7777 of 2006 convicted and sentenced the petitioner/ appellant to undergo simple imprisonment for 1 year as per Section 255(2) Cr.P.C and the accused is directed to pay compensation for a sum of Rs.10,00,000/- to the complainant as provided under Section 357(3) of Cr.P.C and read with under Section 138 of Negotiable Instruments Act 1881. In default of payment of fine thereof to undergo simple imprisonment for a term of three months. Time for payment of compensation is 1 month.

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3. Aggrieved over the judgment of conviction and sentence imposed, the petitioner has filed the present criminal appeal, 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 is contrary to law, weight of evidence and probabilities of the case. Thus, he prayed for granting interim suspension of sentence imposed on him by the trial court for a period of eight weeks.

5. The learned counsel appearing for the respondent opposed to grant interim suspension to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case, this Court is inclined to grant interim suspension of sentence imposed on the petitioner for a period of eight weeks on condition that the petitioner has to pay 50% of the compensation amount.

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8. Accordingly, the relief of interim suspension of sentence and bail is granted to the petitioner for a period of eight weeks from the date of receipt of copy of this order on the following conditions:

(i) The petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-(Rupees Ten thousand only) with two sureties, each for a like sum, to the satisfaction of the Trial Court;

(ii) The petitioner shall pay 50% of the compensation amount to the credit of C.C.No.7777 of 2006 on the file of the learned Metropolitan Magistrate, Fast Track-II, Chennai within a period of eight weeks;

(iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

(iv) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 p.m., until further orders.

(v) The petitioner shall surrender before the trial Court after the interim suspension of sentence period of eight weeks .

14.06.2023

nvi

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To

1. The Metropolitan Magistrate, Fast Track-II, Chennai
2. The III Additional Sessions Judge, Chennai

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RMT.TEEKAA RAMAN, J.

nvi

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14.06.2023

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