



*Crl.M.P.No.8832 of 2023 in
Crl.RC No.1120 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.8832 of 2023 in
Crl.RC No.1120 of 2023**

Sankar
Proprietor Sri Murugan Paper Products,
11/27, Ramasamy Nagar, Makkinampatti [Post],
Pollachi Taluk – 642 003, Coimbatore District. ... petitioner

Vs.

C.Muthukumar ... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 18.04.2023 made in C.A.No.7 of 2022 on the file of the III Additional District and Sessions Judge, Coimbatore confirming the judgment dated 22.12.2021 made in S.T.C.No.2069 of 2016 on the file of the Judicial Magistrate No.II, Pollachi and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For petitioner : Mr.M.N.Balakrishnan



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.2069 of 2016, vide judgement dated 22.12.2021, which was confirmed by the lower appellate Court in C.A.No.7 of 2022, vide judgement dated 18.04.2023, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate No.II, Pollachi, vide judgment dated 22.12.2021 passed in S.T.C.No.2069 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced the petitioner to undergo one year Simple Imprisonment and to pay compensation of Rs.5,00,000/- with interest at the rate of 5% per year commencing from the date of complaint till the date of actual payment to the respondent/ complainant and in default the petitioner to undergo further period of two months simple imprisonment. Challenging the above judgment, the petitioner preferred Criminal Appeals in Crl.A.No.7 of 2022, which was also confirmed by the learned III Additional District and Sessions Judge, Coimbatore, vide judgment dated 18.04.2023.



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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 there is no evidence to substantiate the source of income of the complainant to lend such a huge amount to the petitioner 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 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 are ordered to be released on bail on their *executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial MagistrateNo.II, Pollachi.*

(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.*

26.06.2023

Index:Yes/No
Internet:Yes/No

vrc

To

1. The III Additional District and Sessions Judge, Coimbatore
- 2.The Judicial Magistrate No.II, Pollachi.



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V.SIVAGNANAM, J.

VRC

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