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Crl.M.P.No.8831 of 2023 in Crl.R.C.No.1119 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.8831 of 2023

in

Crl.R.C.No.1119 of 2023

S.Venkataraman

... Petitioner

/vs/

N.Rajesh

Proprietor of M/s.Rajesh Associates,
No.75, Nainiappan Naicken Street,
Chennai.

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 & 401 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 12.10.2022 made in C.A.No.127 of 2017 on the file of the VII Additional Sessions Judge, Chennai confirming the judgment dated 12.05.2017 made in C.C.No.1772 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For petitioner

: Mr.K.Jayachandran



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Crl.M.P.No.8831 of 2023 in Crl.R.C.No.1119 of 20--

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.1772 of 2016, vide judgement dated 12.05.2017, which was confirmed by the lower appellate Court in C.A.No.127 of 2017, vide judgement dated 12.10.2022, pending disposal of the Criminal Revision Petition.

2. The learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai, vide judgment dated 12.05.2017 passed in C.C.No.1772 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced petitioner to undergo 6 months Simple Imprisonment and to pay a compensation of Rs.16,00,000/- to the respondent/ complainant and in default the petitioner shall undergo further period of two months simple imprisonment. Challenging the above judgment, the petitioner preferred Criminal Appeals in Crl.A.No.127 of 2017, which was also confirmed by the learned VII Additional Sessions Judge, Chennai, vide judgment dated 12.10.2022.

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 duly proved legally enforceable debt as against 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 have substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner are entitled to the relief of suspension of sentence.

[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) along with two sureties, each for a like sum, to the satisfaction of the VII Additional Sessions Judge, Chennai.;

(ii) 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;



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Crl.M.P.No.8831 of 2023 in Crl.R.C.No.1119 of 20__

and;

(iii) The petitioner shall appear before the trial Court as when required.

26.06.2023

VRC

To

1. The VII Additional Sessions Judge, Chennai
2. The Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai
3. The Superintendent, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras, Chennai.



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Crl.M.P.No.8831 of 2023 in Crl.R.C.No.1119 of 2023

V.SIVAGNANAM, J.

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