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CrI.M.P.No.9009 of 2023 in CrI.RC.No.1148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.9009 of 2023

in

CrI.RC.No.1148 of 2023

A. Elumalai	...	Petitioner
	/vs/	
G. Balasubramaniyan	...	Respondent

Prayer : Criminal Miscellaneous Petition filed under sections 397 r/w.439 of Cr.P.C., to suspend the sentence imposed upon the petitioner in C.A.No.16 of 2022 by judgment dated 10.04.2023 by the District and Sessions Court No.2, Kanchipuram, Kanchipuram District by confirming the judgment and sentence passed in C.C.No.110 of 2019, dated 24.06.2022 by the District Munsif cum Judicial Magistrate, Uthiramerur, Kanchipuram District and enlarge the petitioner on bail, pending disposal of the above Revision.

For Petitioner ... Mr. K.G.Senthil Kumar

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.110 of 2019, dated 24.06.2022 by the District Munsiff Cum Judicial



Magistrate, Uthiramerur, Kancheepuram District which was confirmed by the judgment passed in C.A.No.16 of 2022, dated 10.04.2023 by the District and Sessions Court No.2, Kancheepuram 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.110 of 2019 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 six months
		he was also ordered to pay dishonoured cheque amount of Rs.5,50,000/- as compensation to the complainant within a period of three months, failing which, to undergo one month SI.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the District and Sessions Court No.2, Kancheepuram District in C.A.No.16 of 2022, dated 10.04.2023. Challenging the above conviction and sentence, the petitioner has filed Criminal Revision Case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. 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.

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

5. 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.

6. 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 District Munsif cum Judicial Magistrate, Uthiramerur, Kancheepuram District, 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 an own



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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 his 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.

30.06.2023

msr

To

1. The District and Sessions Court No.2, Kancheepuram District.
2. The District Munsif cum Judicial Magistrate,
Uthiramerur, Kanchipuram District.

V.SIVAGNANAM, J.

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