



WEB COPY



Crl.M.P.No.1659 of 2023 in Crl.R.C.No.208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.1659 of 2023

in

Crl.R.C.No.208 of 2023

M.Sundaresan,

... Petitioner/Accused

Vs.

Umapathy.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., to suspend the sentence of imposed in C.C.No.79 of 2018 by the Learned Judicial Magistrate, Fast Track Court, (ML), Dharmapuri, dated 21.12.2021 and confirmed in Crl.A.No.03 of 2022 by the Learned Principal District and Sessions Judge, Dharmapuri, dated 20.04.2022 against the petitioner, enlarge the petitioner on bail pending disposal of Criminal Appeal.

For Petitioner

: Mr.V.Rajamohan



Crl.M.P.No.1659 of 2023 in Crl.R.C.No.208 of 2023

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Judicial Magistrate, Fast Track Court (ML), Dharmapuri, in C.C.No.79 of 2018, dated 21.12.2021, which was confirmed by the Learned Principal District and Sessions Judge, Dharmapuri, in C.A.No.03 of 2022, dated 20.04.2022 and to enlarge the petitioner on bail pending Criminal Revision Petition.

2. The petitioner, who is the sole accused in C.C.No.79 of 2018, was convicted and sentenced by the Judicial Magistrate, Fast Track Court (ML), Dharmapuri, which reads as follows:

Conviction under Sections	Sentence
138 & 142 of N.I	To undergo S.I for the period of six months and to pay a compensation of Rs.5,00,000/- the cheque amount to the complainant under Section 357 (3) of Cr.P.C which is payable within 2 months from the date of this judgment, in default to undergo a further S.I for one month.

3. Aggrieved against the judgment of conviction and sentence passed by the



Crl.M.P.No.1659 of 2023 in Crl.R.C.No.208 of 2023

Judicial Magistrate, Fast Track Court (ML), Dharmapuri, in C.C.No.79 of 2018, dated 21.12.2021, he preferred an appeal before the Principal District and Sessions Judge, Dharmapuri, in C.A.No.03 of 2022 and the Lower Appellate Court by judgment dated 20.04.2022 dismissed the appeal confirming the judgment passed by the trial Court. Hence, the present criminal revision along with the present miscellaneous petition, seeking suspension of sentence.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (Crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Revision Case.

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



Crl.M.P.No.1659 of 2023 in Crl.R.C.No.208 of 2023

is entitled to the relief of suspension of sentence and bail.

WEB COPY

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:-

- (i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of the Judicial Magistrate, Fast Track Court, (ML), Dharmapuri.
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial 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.

08.02.2023

Index: Yes/No.
bsm

To,

4 of 6



Crl.M.P.No.1659 of 2023 in Crl.R.C.No.208 of 2023

1. The Judicial Magistrate, Fast Track Court, (ML), Dharmapuri.
2. The District and Sessions Judge, Dharmapuri,

WEB COPY



WEB COPY



Crl.M.P.No.1659 of 2023 in Crl.R.C.No.208 of 2023

V.SIVAGNANAM, J.,

bsm

Crl.M.P.No.1659 of 2023
in Crl.R.C.No.208 of 2023

08.02.2023