



*Crl.M.P.No.766 of 2023 in
Crl.RC No.105 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.766 of 2023 in
Crl.RC No.105 of 2023**

Sankar
Petitioner

...

Vs.

Kumar
Respondent

...

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner by the learned Judicial Magistrate, Tambaram, vide judgment passed in STC No.1856/2016 dated 07.06.2019, which was confirmed by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu in C.A.No.62/2019, by judgment dated 07.03.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.T.R.Ravi



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in STC No.1856/2016, vide judgement dated 07.06.2019, which was confirmed by the lower appellate Court in C.A.No.62/2019, vide judgement dated 07.03.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Tambaram, vide judgment dated 07.06.2019, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 2 weeks simple imprisonment and also to pay a sum of Rs.41,20,000/- as compensation under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in C.A.62.2019, which was also confirmed by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu vide judgment dated 07.03.2022.

3. Challenging the conviction and sentence slapped by the Trial



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Court and the lower Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that 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.

(i) The substantive sentence of imprisonment alone is suspended and 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 is ordered to be released on bail on his *executing own bond for a*



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**sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the
learned Judicial Magistrate, Tambaram.**

(ii) The petitioner shall affix his 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.

23.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

1. The Principal District and Sessions Judge of Kancheepuram District at Chengalpattu
- 2.The Judicial Magistrate, Tambaram.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**23.01.2023
(1/2)**