



Crl.M.P.No.9227 of 2023 in Crl.RC.No.1187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.9227 of 2023

in

Crl.RC.No.1187 of 2023

S. Sivakumar

Proprietor S Y S Tyres,
No.10-7, Old Trunk Road,
Pallavaram, Chennai

... Petitioner

/vs/

M/s. Central Tyres,
represented by its Proprietor
K.Vasudev
No.109, G.P. Road, Mount Road,
Chennai.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under sections 397 (1) of Cr.P.C., to suspend the sentence imposed in C.C.No.5346 of 2016, dated 11.02.2022 by the XIX Metropolitan Magistrate, Allikulam at Chennai, which was confirmed by the V Additional Sessions Judge, Chennai in C.A.No.67 of 2022, dated 18.04.2023.

For Petitioner

... Mr. S. Shankar



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.5346 of 2016, dated 11.02.2022 by the XIX Metropolitan Magistrate, Allikulam at Chennai, which was confirmed by the judgment passed in C.A.No.67 of 2022, dated 18.04.2023 by the V Additional Sessions Judge, Chennai 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.5346 of 2016 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.35,00,000/- as compensation to the complainant along with interest at the rate of 6% per annum within a period of eight weeks under section 357 of Cr.P.C., r/w.Sec.138 of NI Act, failing which, to undergo another eight weeks SI and to recover the said compensation from the accused u/s.421 of Cr.P.C.

The judgment of conviction and sentence imposed on the petitioner by the



trial court was confirmed by the V Additional Sessions Judge, Chennai in C.A.No.67 of 2022, dated 18.04.2023. 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



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to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Metropolitan Magistrate XIX, Allikulam at Chennai, 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 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 her 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 V Additional Sessions Judge,
Chennai.
2. The XIX Metropolitan Magistrate,
Allikulam at Chennai.

V.SIVAGNANAM, J.

msr



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