



WEB COPY



Crl.M.P.No.469 of 2023 in Crl.R.C.No.79 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.469 of 2023

in

Crl.R.C.No.79 of 2023

P. Sivasamy

... Petitioner

/vs/

B. Padmavathi

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to suspend the sentence of imprisonment imposed dated 28.04.2022 made in Crl.A.No.113 of 2019 on the file of the V Additional District and Sessions Court, Coimbatore, confirming the conviction and sentence dated 04.03.2019 made in C.C.No.599 of 2017 on the file of II Fast Track Court II (Magistrate Level), Coimbatore and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

For Petitioner

... Mr. K.S.Karthik Raja

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment imposed on the petitioner by the judgment dated 28.04.2022 made in Crl.A.No.113 of 2019 on the file of the V Addl. District and Sessions Court, Coimbatore, confirming the conviction



and sentence dated 04.03.2019 made in C.C.No.599 of 2017 on the file of II Fast Track Court II (Magistrate Level), Coimbatore and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The trial court, by its judgment dated 04.03.2019, convicted and sentenced the petitioner/accused as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of Negotiable Instruments Act.	To undergo SI for 6 months and to pay the cheque amount of Rs.1,50,000/- as compensation to the complainant along with interest @ 6% per annum from the date of issuance of cheque, within a period of one month from the date of judgement, in default, to undergo 3 months SI.

3. Aggrieved over the judgment of conviction and sentence imposed by the trial, court, the petitioner preferred Crl.A.No.113 of 2019 before the V Additional District and Sessions Court, Coimbatore, who by his judgment dated 28.4.2022, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner has filed the present Criminal Revision Case, along with the instant



miscellaneous petition, seeking suspension of sentence and bail.

WEB COPY

4. The learned counsel for the petitioner submitted that the judgment of the trial 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 Case and the petitioner has every chance to succeed in this Revision. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Case.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. The petitioner has raised substantial grounds in the Revision Case 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.

7. Accordingly, the relief of suspension of sentence and bail is granted



to the petitioner on the following conditions:

WEB COPY

- (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 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 Trial Court.
- (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; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

12.01.2023

msr

To

- 1.The V District and Sessions Court, Coimbatore,
- 2.The II Fast Track Court II (Magistrate Level), Coimbatore.



WEB COPY



Crl.M.P.No.469 of 2023 in Crl.R.C.No.79 of 2023

V.SIVAGNANAM, J.

msr

Crl.M.P.No.469 of 2023
in
Crl.R.C.No.79 of 2023

12.01.2023