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Crl.M.P.No.10212 of 2023
in Crl.R.C.No.1269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.M.P.No.10212 of 2023
in Crl.R.C.No.1269 of 2023

Thangavel

... Petitioner

Vs.

E.Muthusamy

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973 to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 22.06.2023 made in Crl.A.No.36/2020 on the file of II Additional District and Sessions Judge, Namakkal at Tiruchengode confirming the judgment dated 12.02.2020 made in STC No.248/2017 on the file of the Judicial Magistrate, Fast Track Court, Tiruchengode, pending disposal of the above revision petition.

For Petitioner : Mr.R.Prabakar

ORDER

This criminal miscellaneous petition has been filed seeking to suspend the execution of sentence in Crl.A.No.36 of 2020 on the file of the learned II Additional District and Sessions Judge, Namakkal at Tiruchengode confirming and modifying the judgment dated 12.02.2020 made in STC No.248/2017 on the file of the Judicial Magistrate, Fast Track Court,



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Tiruchengode, pending disposal of the revision petition.

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2. The present revision petitioner, the accused in STC No.248/2017 on the file of Judicial Magistrate, Fast Track Court, Tiruchengode was convicted and sentenced as follows on 12.02.2020 :

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 138 of NI Act.	Simple imprisonment for one year and to pay a compensation of Rs.1,92,000/- within one month, in default, to undergo simple imprisonment for one month.

3. Aggrieved over the judgment passed by the trial court, the revision petitioner/accused filed an appeal in Crl.A.No.36/2020 on the file of II Additional District and Sessions Judge, Namakkal at Tiruchengode. The learned Additional District and Sessions Judge, Namakkal at Tiruchengode, partly allowed the appeal by directing the accused to pay a compensation amount of Rs.96,000/- instead of 1,92,000/- ordered by the trial court, but confirmed the conviction and sentence imposed by the trial court, vide orders dated 22.06.2023.



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4. Now the present revision petitioner/ accused filed the criminal revision in Crl.R.C.No.1269/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Heard, Mr.R.Prabakar, learned counsel for the revision petitioner.

6. Mr.R.Prabakar, learned counsel for the revision petitioner contended that the present accused is willing to deposit a sum of Rs.1,00,000/- to the credit of STC No.248/2017 on the file of Judicial Magistrate, Fast Track Court, Tiruchengode, on or before 28.07.2023, out of the total cheque amount is Rs.1,92,000/-.

7. It is also seen from the records that the present petitioner is in prison for the past one month. Considering the period of incarceration of the present accused for a period of one month, this criminal miscellaneous petition is allowed and the sentence is suspended, however, subject to the following conditions:

- i. the petitioner is directed to deposit a sum of Rs.1,00,000/- to the credit of STC No.248/2017 on the file of Judicial Magistrate, Fast Track Court, Tiruchengode, on or before 28.07.2023.



- ii. Thereafter, the petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court, Tiruchengode.
- iii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iv. The petitioner shall appear before the trial court everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the Crimianl Revision Petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.
- v. Unless the condition (i) is complied with the accused shall not be enlarged on bail.

19.07.2023

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R.HEMALATHA, J.

mtl

To

- 1.The Judicial Magistrate, Fast Track Court, Tiruchengode.
- 2.The II Additional District and Sessions Judge, Namakkal, Tiruchengode.
- 3.The Central Prison, Salem.
- 4.The Section Officer, Criminal Section, Madras High Court, Madras.

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