



WEB COPY



Crl. M.P. No.12376 of 2023
in Crl.R.C.No.1436 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

Crl.M.P.No.12376 of 2023
in Crl.R.C. No.1436 of 2023

M.Thirumavalavan

...Petitioner

vs.

K.Namagiri Lakshmi

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973, to suspend the sentence imposed on the petitioner by an order dated 07.07.2023 passed in Crl.A.No.49 of 2023 on the file of the learned V Additional Sessions Judge, Chennai confirming the conviction and sentence passed by the learned Special Metropolitan Magistrate, X Court of Small Causes, Chennai in S.T.C.No.541 of 2021 dated 21.12.2022.

For Petitioner : Mr.A.R.Suresh

ORDER

This Criminal Miscellaneous petition is filed seeking suspension of sentence imposed by the learned V Additional Sessions Judge, Chennai in C.A.No.49 of 2023 dated 07.07.2023 and to enlarge the petitioner on bail.



Crl. M.P. No.12376 of 2023
in Crl.R.C.No.1436 of 2023

WEB COPY

2. The petitioner is an accused in S.T.C.No.541 of 2021 on the file of the learned Special Metropolitan Magistrate, X Court of Small Causes, Chennai and he was convicted and sentenced on 21.12.2022 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 138 of Negotiable Instruments Act.	undergo Simple Imprisonment for five months and to pay a compensation of Rs.9,38,000/- with interest @ 9% per annum from the date of dishonour to the complainant within two months, in default, to undergo simple imprisonment for one month.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in C.A.No.49 of 2023 before the learned V Additional Sessions Judge, Chennai and the same was dismissed vide orders dated 07.07.2023, confirming the judgment passed by the trial court.

4. Now the present petitioner / accused has filed the criminal revision in Crl.R.C.No.1436 of 2023 along with this present criminal miscellaneous petition seeking suspension of sentence.



Crl. M.P. No.12376 of 2023
in Crl.R.C.No.1436 of 2023

5. Mr.A.R.Suresh, learned counsel for the petitioner contended that already the revision petitioner deposited a sum of Rs.1,87,600/- on 31.03.2023 and now he is ready to pay another sum of Rs.2 lakhs to the credit of S.T.C.No.541 of 2021. He, therefore, prayed for suspending the sentence till the conclusion of this Revision.

6. Considering the submission made by the learned counsel for the petitioner, this Court is inclined to grant the relief of suspension of sentence and bail with certain conditions.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- i. The petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of S.T.C.No.541 of 2021 before the learned Special Metropolitan Magistrate, X Court of Small Causes, Chennai, within a period of one month from the date of receipt of a copy of this order;



Crl. M.P. No.12376 of 2023
in Crl.R.C.No.1436 of 2023

- ii. After depositing the said amount, the petitioner shall appear before the learned learned Special Metropolitan Magistrate, X Court of Small Causes, Chennai and 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 learned Special Metropolitan Magistrate, X Court of Small Causes, Chennai;
- 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 on the first working day of every month at 10.30 a.m. until the disposal of the revision 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.

16.08.2023
(2/2)

vum



Crl. M.P. No.12376 of 2023
in Crl.R.C.No.1436 of 2023

WEB COPY

To

- 1.The Special Metropolitan Magistrate,
X Court of Small Causes, Chennai.
- 2.The V Additional Sessions Judge, Chennai.
- 3.The Section Officer, Criminal Section, Madras High Court, Chennai.



WEB COPY



Crl. M.P. No.12376 of 2023
in Crl.R.C.No.1436 of 2023

R.HEMALATHA, J.

vum

Crl.M.P.No.12376 of 2023
in Crl.R.C. No.1436 of 2023

16.08.2023
(2/3)