



Crl. M.P. No.12386 of 2023
in Crl.R.C.No.1437 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.12386 of 2023
in Crl.R.C. No.1437 of 2023

P.Ravichandran

...Petitioner

vs.

G.Senthilkumar

...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 and Judgment dated 29.07.2022 passed in Crl.A.No.40 of 2021 on the file of the learned Principal Sessions Judge, Tiruppur confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court (Magisterial level), Tiruppur in C.C.No.226 of 2014 dated 09.04.2021.

For Petitioner : Mr.M.Muthuyazhini

ORDER

This Criminal Miscellaneous petition is filed seeking suspension of sentence imposed by the learned Principal Sessions Judge, Tiruppur in C.A.No.40 of 2021 dated 29.07.2022 and to enlarge the petitioner on bail.



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2. The petitioner is an accused in C.C.No.226 of 2014 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial level), Tiruppur and he was convicted and sentenced on 09.04.2021 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 six months and to pay the cheque amount of Rs.2,00,000/- as compensation to the complainant, 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.40 of 2021 before the learned Principal Sessions Judge, Tiruppur and the same was dismissed vide orders dated 29.07.2022, confirming the judgment passed by the trial court.

4. Now the present petitioner / accused has filed the criminal revision in Crl.R.C.No.1437 of 2023 along with this present criminal miscellaneous petition seeking suspension of sentence.



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5. Mr.M.Muthuyazhini, learned counsel for the petitioner contended that the revision petitioner is ready to deposit a sum of Rs.1lakh to the credit of C.C.No.226 of 2014. 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 enlarge the petitioner on 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.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.226 of 2014 before the learned Judicial Magistrate, Fast Track Court (Magisterial level), Tiruppur, within a period of one month from the date of receipt of a copy of this order;
- ii. After depositing the said amount, the petitioner shall appear before the learned learned Judicial Magistrate, Fast Track Court (Magisterial level), Tiruppur and execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood



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relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magisterial level), Tiruppur;

- 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.

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To

1.The Judicial Magistrate,



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Fast Track Court (Magisterial level),
Tiruppur

2.The Principal Sessions Judge, Tiruppur.

R.HEMALATHA, J.



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