



Crl.M.P.No.14289 of 2023
in Crl.R.C.No.1552 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

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

Crl.M.P.No.14289 of 2023
in Crl.R.C.No.1552 of 2023

Abuthageer

... Petitioner

Vs.

N.Sundaramurthy

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973 to suspend the sentence made in judgment dated 26.06.2023 in Crl.A.No.19/2023 on the file of the learned Principal Sessions Judge, Puducherry, confirming the conviction and sentence made in the judgment dated 09.02.2023 in S.T.C.No.3343/2015 on the file of the learned Judicial Magistrate No.II, Puducherry and enlarge the petitioner on bail, pending disposal of the revision petition.

For Petitioner : Mr.V.P.Chamuraj



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CrI.M.P.No.14289 of 2023
in CrI.R.C.No.1552 of 2023

ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned Principal Sessions Judge, Puducherry in CrI.A.No.19/2023 on 26.06.2023, confirming the conviction and sentence passed by the learned Judicial Magistrate No.II, Puducherry, dated 09.02.2023 in S.T.C.No.3343/2015 and to enlarge the petitioner on bail.

2.The present revision petitioner, the accused in S.T.C.No.3343/2015 on the file of Judicial Magistrate No.II, Puducherry was convicted and sentenced on 09.02.2023 as detailed hereunder:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1.	Section 138 of N.I. Act	Simple imprisonment for two months and to pay a sum of Rs.1,28,000/- with interest at 9% per annum towards compensation to the complainant within a period of two months, in default, to undergo simple imprisonment for one month.



WEB COPY



Crl.M.P.No.14289 of 2023
in Crl.R.C.No.1552 of 2023

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in Crl.A.No.19/2023 before the learned Principal Sessions Judge, Puducherry and the same was dismissed vide orders dated 26.06.2023, confirming the judgment passed by the trial court.

4. Now the present revision petitioner/accused filed the criminal revision in Crl.R.C.No.1552/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Mr.V.P.Chamuraj, the learned counsel for the petitioner contended that the present petitioner has a fair chance to prove his innocence and succeed in the criminal revision. He therefore, prayed for suspending the sentence till the disposal of this Revision.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with the following conditions.



Crl.M.P.No.14289 of 2023
in Crl.R.C.No.1552 of 2023

WEB COPY

- i. 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 learned Judicial Magistrate No.II, Puducherry.
- ii. 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
- iii. 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.

12.09.2023

(2/2)

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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Crl.M.P.No.14289 of 2023
in Crl.R.C.No.1552 of 2023

R. HEMALATHA, J.
mtl

To

1. The Principal Sessions Court, Puducherry.
2. The learned Judicial Magistrate No.II, Puducherry.

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