



**CrI.M.P.No.12960 of 2023
in
CrI.O.P.No.34710 of 2019**

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V. SIVAGNANAM, J.

This petition is filed to amend C.C.No.1228 of 2019, instead of C.C.No.218 of 2018 pending on the file of Judicial Magistrate No.II, Coimbatore in the order dated 23.06.2018 made in CrI.O.P.No.34710 of 2019.

2. The learned counsel for the petitioner submitted that this court by order dated 23.06.2023, disposed of the CrI.O.P.No.34710 of 2019 with a direction to the petitioner to deposit the compensation amounts to the credit of Crime No.218 of 2018 and on such deposit, a further direction was issued to the learned Magistrate to deposit the said amount in two interest bearing fixed deposits in any one of the nationalised banks. The petitioner was also directed to deposit the compensation amount on or before 01.08.2023.

3. He further submitted that accordingly, the petitioner took two demand drafts for the compensation amount and approached the learned Judicial Magistrate II, Coimbatore for depositing the same by way of memo, the same were returned by the learned Judicial Magistrate II, Coimbatore stating that CC.No.218 of 2018 has been subsequently transferred from



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Judicial Magistrate VI to Judicial Magistrate II, Coimbatore and renumbered as C.C.No.1228 of 2019 and therefore, the learned Magistrate instructed the petitioner counsel to make necessary amendment in the order made in CrI.O.P.No.34710 of 2019 dated 23.06.2018 by mentioning the correct C.C.No.1228 of 2019, instead of C.C.No.218 of 2018 pending before the Judicial Magistrate II, Coimbatore. Accordingly, the petitioner has filed the present petition to amend the C.C.No.1228 of 2019 instead of C.C.No.218 of 2018 on the file of Judicial Magistrate No.II, Coimbatore in the order dated 23.06.2018 made in CrI.O.P.No.34710 of 2019. He also submitted that as the time for deposit of compensation amount expires on 01.08.2023, he seeks two weeks time for depositing the compensation amount after amending calender case number in the order dated 23.06.2023. Stating so, he seeks for appropriate directions.

4. In view of the submissions of the learned counsel for the petitioner, in the order passed by this court in CrI.O.P.No.34710 of 2019, dated 23.06.2018, the calender case number is amended as **C.C.No.1228 of 2019** instead of C.C.No.218 of 2018. Accordingly, this petition is allowed. Further, the time to deposit the compensation amount is extended up to two weeks from the date of receipt of a copy of this order.



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21.08.2023

To

The Registry is directed to make necessary amendments in the order dated 23.06.2023 made in CrI.O.P. No.34710 of 2019 and issue fresh order copy by **22.08.2023**

V. SIVAGNANAM, J.

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CrI.M.P.No.12960 of 2023 in CrI.O.P.No.34710 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.8831 of 2023

in

CrI.R.C.No.1119 of 2023

S.Venkataraman

... Petitioner

/vs/

N.Rajesh

Proprietor of M/s.Rajesh Associates,
No.75, Nainiappan Naicken Street,
Chennai.

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 & 401 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 12.10.2022 made in C.A.No.127 of 2017 on the file of the VII Additional Sessions Judge, Chennai confirming the judgment dated 12.05.2017 made in C.C.No.1772 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For petitioner

: Mr.K.Jayachandran



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.1772 of 2016, vide judgement dated 12.05.2017, which was confirmed by the lower appellate Court in C.A.No.127 of 2017, vide judgement dated 12.10.2022, pending disposal of the Criminal Revision Petition.

2. The learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai, vide judgment dated 12.05.2017 passed in C.C.No.1772 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced petitioner to undergo 6 months Simple Imprisonment and to pay a compensation of Rs.16,00,000/- to the respondent/ complainant and in default the petitioner shall undergo further period of two months simple imprisonment. Challenging the above judgment, the petitioner preferred Criminal Appeals in CrI.A.No.127 of 2017, which was also confirmed by the learned VII Additional Sessions Judge, Chennai, vide judgment dated 12.10.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.



4. The learned counsel for the petitioner submitted that there is no duly proved legally enforceable debt as against the petitioner and there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

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

6. Taking into consideration of the above submission of the learned counsel appearing for the petitioner, this Court finds that the petitioner have substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner are entitled to the relief of suspension of sentence.

[i] The petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the VII Additional Sessions Judge, Chennai.;

(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;



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and;

(iii) The petitioner shall appear before the trial Court as when required.

26.06.2023

VRC

To

1. The VII Additional Sessions Judge, Chennai
2. The Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai
3. The Superintendent, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras, Chennai.



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VRC



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26.06.2023