



Crl. M.P. No.14044 of 2023
in Crl.R.C.No.1540 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

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

Crl.M.P.No.14044 of 2023
in Crl.R.C. No.1540 of 2023

Kalaivanan

...Petitioner

vs.

Pugazharasan

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 r/w. 439 of Criminal Procedure Code 1973 to suspend the sentence made in judgment dated 27.07.2023 in C.A.No.85/2022 on the file of learned Principal District & Sessions Judge, Kancheepuram District at Chengalpattu confirming the conviction and sentence made in the judgment dated 17.10.2022 in C.C.No.90/2018 on the file of the District Munsif Cum Judicial Magistrate, Thirukalukundram and enlarge the petitioner on bail, pending disposal of the revision petition.

For Petitioner : Mr.R.Sasikumar

For Respondent : Ms.Dipthi Munoth.A



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ORDER

This criminal miscellaneous petition has been filed seeking to suspend the execution of sentence in C.A.No.85/2022 dated 27.07.2023 on the file of the learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu, confirming the conviction and sentence made in the judgment dated 17.10.2022 in C.C.No.90/2018 on the file of the District Munsif Cum Judicial Magistrate, Thirukalukundram pending disposal of the revision petition.

2. The petitioner is the accused in C.C.No.90/2018 before the learned District Munsif Cum Judicial Magistrate, Thirukalukundram and he was convicted and sentenced on 17.10.2022 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1.	Section 138 of N.I.Act	Simple imprisonment for one year and to pay a fine of Rs.7,00,000/-, in default, to undergo simple imprisonment for one month.

3. Aggrieved over the judgment passed by the trial court, the second accused filed an appeal in C.A.No.85/2022 before the learned



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Principal District and Sessions Judge, Kancheepuram District at Chengalpattu and the same was dismissed vide orders dated 27.07.2023, confirming the judgment passed by the trial court.

4. Now the present revision petitioner/accused filed the criminal revision in Crl.R.C.No.1540/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Heard, Mr.R.Sasikumar, learned counsel for the revision petitioner and Ms.Dipthi Munoth.A, learned counsel for the respondent.

6. Mr.R.Sasikumar, learned counsel for the revision petitioner contended that the present accused is willing to deposit a sum of Rs.3,50,000/- to the credit of C.C.No.90/2018 on the file of learned District Munsif Cum Judicial Magistrate, Thirukalukundram on or before 05.10.2023, out of the total cheque amount of Rs.7,00,000/-.



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7. 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 :

- i. The petitioner is directed to deposit a sum of Rs.3,50,000/- to the credit of C.C.No.90/2018 on the file of learned District Munsif Cum Judicial Magistrate, Thirukalukundram, on or before 05.10.2023.
- ii. The petitioner shall thereafter 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 District Munsif Cum Judicial Magistrate, Thirukalukundram.
- 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 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



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- v. The trial court judge can permit the accused to execute the bond as mentioned in condition (ii) only after the compliance of condition (i) by the accused.

07.09.2023

(2/3)

mtl

To

1. The Principal District & Sessions Court, Kancheepurarm District.
- 2.The District Munsif Cum Judicial Magistrate, Thirukalukundram.



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R.HEMALATHA, J.
mtl

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