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Crl.M.P.No.4192 of 2023 in Crl.RC.No.566 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.4192 of 2023

in

Crl.RC.No.566 of 2023

C.Senthil

... Petitioner

/vs/

K.Ranganathan (died)

Ponnammal

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(ii) of Cr.P.C., to suspend the sentence imposed on the petitioner by the Appellate Court and judgment dated 01.07.2022 made in C.A.No.92 of 2017 (on the file of the I Additional District and Sessions Judge, Thiruvallur) confirming the judgment and conviction dated 16.06.2017 made in C.C.No.279 of 2012 (on the file of the Fast track Court, Magisterial Level at Thiruvallur)

For Petitioner ... Mr. M.Vignesh



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.279 of 2012, dated 16.06.2017 passed by the learned Judicial Magistrate, Fast Track Court, Magisterial Level at Thiruvallur, which was modified by the learned I Additional District and Sessions Judge, Thiruvallur, by his judgment in Crl.A.No.92 of 2017 dated 01.07.2022.

2. The trial Court, by its judgment dated 16.06.2017 convicted and sentenced the petitioner/accused as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for eight months and to pay a compensation of Rs.2,00,000/- , in default, to undergo two months SI.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.279 of 2012, the petitioner preferred Crl.A.No.92 of 2017 before the I Additional District and Sessions Judge, Thiruvallur and the learned Judge, by his judgment



dated 01.07.2022, confirmed the conviction and modified the sentence to undergo one year simple imprisonment and further to pay compensation of Rs.5,80,000/-, in default, to undergo three months simple imprisonment.

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

5.The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

6.Head the learned counsel for the petitioner and perused the materials available on record.



7.The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Judicial Magistrate, Fast Track Court, Magisterial Level at Tiruvallur, within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the Judicial Magistrate, Fast Track Court, Magisterial Level at Tiruvallur.
- (ii) The petitioner shall affix her photograph and Left Thumb Impression in the bond and the trial Court may



obtain a copy of her Aadhaar card or Bank pass Book to ensure her identity; and

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

28.03.2023

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To

1. The I Additional District and Sessions Judge, Thiruvallur,
2. The Judicial Magistrate, Fast Track Court,
Magisterial Level at Thiruvallur



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V.SIVAGNANAM, J.

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