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Crl.M.P.No.3211 of 2023 in Crl.RC.No.422 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3211 of 2023

in

Crl.RC.No.422 of 2023

P. Viswanathan

... Petitioner

/vs/

A.S.Karthikeyan

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) r/w. 439 of Cr.P.C., to suspend the sentence of imprisonment imposed in the judgment dated 16.09.2021 made in C.A.No.73 of 2016 on the file of III Additional District and Sessions Judge of Tiruppur at Dharapuram, confirming the conviction imposed by the judgment dated 31.05.2016 made in C.C.No.500 of 2013 on the file of the Judicial Magistrate, Kangayam, Tiruppur and enlarge the petitioner on bail, pending disposal of the Criminal Revision petition.

For Petitioner

... Mr. J. Ranjithkumar

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.500 of 2013 dated 31.05.2016 by the Judicial Magistrate, Kangayam,



Tiruppur District, which was confirmed by the judgment passed in C.A.No.73 of 2016, dated 16.09.2021 by the III Additional District and Sessions Judge of Tiruppur at Dharapuram and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.500 of 2013 was convicted and sentenced by the trial court 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 six months and a fine of Rs.3000/-, in default in payment of fine, to undergo SI for 30 days.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the III Additional District and Sessions Judge of Tiruppur at Dharapuram in C.A. No.73 of 2016, dated 16.09.2021 . Challenging the above conviction and sentence, the petitioner has filed Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. 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 Petition.

4. 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.

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

- (i) The petitioner shall surrender before the Judicial Magistrate, Kangayam, Tiruppur District 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 a own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the above said Court.
- (ii) The petitioner shall affix his photograph and Left Thumb



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Impression in the bond and the above said Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and;

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

06.03.2023

msr

To

- 1.The III Additional District and Sessions Judge,
Tiruppur at Dharapuram.
- 2.The Judicial Magistrate, Kangeyam, Tiruppur District.

V.SIVAGNANAM, J.



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