



*Crl.MP No.2654 of 2023 in
Crl.RC No.323 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.2654 of 2023 in
Crl.RC No.323 of 2023**

K.Murugan

... Petitioner

Vs.

1. N.S. Ilamuruguselvam

2. The Inspector of Police,
Mayiladuthurai, rep. by Public Prosecutor,
Nagapattinam.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment passed by the learned District Judge, Mayiladuthurai in Crl.A.No.7 of 2017 dated 14.09.2022, confirming the judgment passed by the learned Judicial Magistrate, FTC, Mayiladuthurai in C.C.No.95 of 2015 dated 18.04.2017, till the disposal of the Criminal Revision Case.

For Petitioner

: Mr.T.Annamalai for

Mr.S.Arumugam

For 2nd respondent

: Mr.V.Meganathan,

Government Advocate (Crl.Side)



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, FTC, Mayiladuthurai, vide judgment passed in C.C.No.95 of 2015 dated 18.04.2017, which was confirmed by the learned Additional District Judge, Mayiladuthurai, vide judgment passed in Crl.A.No.7 of 2017 dated 14.09.2022, pending disposal of the Criminal Revision Petition.

2. The learned Trial Judge, vide judgment passed in C.C.No.95 of 2015 dated 18.04.2017, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to pay a sum of Rs.1,00,000/- as compensation under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.7/2017 which was also confirmed by the Lower Appellate Court, vide judgment dated 14.09.2022.

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 are



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arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the second respondent 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 has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner ***shall surrender before the Judicial Magistrate (Fast Track Court), Mayiladuthurai***, Court 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/-***



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(Rupees ten thousand only) to the satisfaction of the Judicial Magistrate

(Fast Track Court), Mayiladuthurai.

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the above said Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

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

23.02.2023

(2/2)

Index:Yes/No
Internet:Yes/No
mst

To

1. The Additional District Judge, Mayiladuthurai.
- 2.The Judicial Magistrate, (Fast Track Court), Mayiladuthurai.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**23.02.2023
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