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Crl.M.P.No.190 of 2023 in Crl.R.C.No.37 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.190 of 2023

in

Crl.R.C.No.37 of 2023

D.Gangadhara Babu.

... Petitioner

Vs.

M.Krishnan.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., to suspend the sentence of imposed on the petitioner in Crl.A.No.4 of 2020 dated 11.12.2020 on the file of VI Additional Sessions Judge, City Civil Court, Chennai, confirming the conviction and sentenced passed in C.C.No.1507 of 2018 dated 13.12.2019 on the file of Metropolitan Magistrate, FTC-II and enlarge him on bail pending disposal of the above Criminal Revision Petition on the file of this Hon'ble Court.

For Petitioner

: Mr.D.N.Dhurgasha

ORDER



Crl.M.P.No.190 of 2023 in Crl.R.C.No.37 of 2023

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This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Metropolitan Magistrate, FTC-II Chennai, in C.C.No.1507 of 2018, dated 13.12.2019, which was confirmed by the VI Additional Sessions Judge, City Civil Court, Chennai, in C.A.No.4 of 2020, dated 11.12.2020 and to enlarge the petitioner/appellant on bail pending Criminal Revision Petition.

2. The petitioner, who is the sole accused in C.C.No.1507 of 2018, was convicted and sentenced by the Metropolitan Magistrate, Fast Track Court-II, Chennai, which reads as follows:

Conviction under Section	Sentence
138 & 142 of N.I	To undergo S.I for the period of one year and to pay a sum of Rs.10,00,000/- as compensation to the complainant within one month, in default to undergo S.I for three months.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner, he preferred appeal before the VI Additional Sessions Judge, City Civil Court, Chennai, in C.A.No.4 of 2020 and the Lower Appellate Court by



Crl.M.P.No.190 of 2023 in Crl.R.C.No.37 of 2023

judgment dated 11.12.2020 dismissed the appeal, confirmed the judgment passed by the trial Court. Hence, the present criminal revision along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal Revision Case.

6. 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.



Crl.M.P.No.190 of 2023 in Crl.R.C.No.37 of 2023

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of Metropolitan Magistrate Court, FTC-II, Allikulam, Chennai.
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court as and when required.

02.02.2023

Index :Yes/No.

Internet :Yes/No.

bsm

To,

1. The Metropolitan Magistrate, Fast Track Court-II, Allikulam, Chennai.
2. The VI Additional Sessions Judge, City Civil Court, Chennai.
3. The Central Prison-I, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras, Chennai.



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Crl.M.P.No.190 of 2023 in Crl.R.C.No.37 of 2023

V.SIVAGNANAM, J.,

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Crl.M.P.No.190 of 2023
in Crl.R.C.No.37 of 2023

02.02.2023