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Crl.M.P.No.2153 of 2023 in Crl.RC.No.266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2153 of 2023

in

Crl.RC.No.266 of 2023

R. Chandrasekar

... Petitioner

/vs/

M. Sakthivel

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(i) of Cr.P.C., to suspend the sentence imposed on the petitioner on 19.07.2022 in C.A.No.95 of 2018 on the file of the III Additional District and Sessions Judge, Coimbatore, confirming the judgment made in S.T.C.No.1219 of 2011, dated 12.02.2018 on the file of the Judicial Magistrate No.2, Pollachi and enlarge the revision petitioner on bail, pending disposal of the criminal revision petition.

For Petitioner

... Ms. P. Poornima

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in S.T.C.No.1219 of 2011, dated 12.02.2018 by the Judicial Magistrate No.2, Pollachi, which was confirmed by the judgment passed in C.A.No.95 of 2018, dated 19.07.2022 by the III Additional District and Sessions Judge,



Coimbatore and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in S.T.C.No.1219 of 2011 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 one year;
		he was also ordered to pay dishonoured cheque amount of Rs.2,25,000/- as compensation to the complainant within three months from the date of judgment, failing which, to undergo SI for three months.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the IIII Additional District and Sessions Judge, Coimbatore in C.A.No.95 of 2018, dated 19.07.2022. 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 Trial 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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of Judicial Magistrate No.2, Pollachi
- (ii) The petitioner shall affix his photograph and Left Thumb 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;



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

15.02.2023

msr

To

1. The III Additional District and Sessions Judge, Coimbatore
2. The Judicial Magistrate No.2, Pollachi



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V.SIVAGNANAM, J.

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