



*Crl.M.P.No.3608 of 2023 in
Crl.RC No.474 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.3608 of 2023 in
Crl.RC No.474 of 2023**

Muthu @ Vivekanandhan

... Petitioner

Vs.

S.Raja

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 06.08.2022 made in C.A.No.33 of 2018 on the file of the Additional District Judge, Mayiladuthurai confirming the judgment dated 19.06.2018 made in C.C.No.58 of 2016 on the file of the Judicial Magistrate, Fast Track Court, Mayiladuthurai and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.A.Nilejiran
M/s.K.M.Vijayan Associates



*Crl.M.P.No.3608 of 2023 in
Crl.RC No.474 of 2023*

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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.58 of 2016, vide judgement dated 19.06.2018, which was confirmed by the lower appellate Court in C.A.No.33 of 2018, vide judgement dated 06.08.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate Fast Track Court, Mayiladuthurai, vide judgment dated 19.06.2018 passed in C.C.No.58 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 1 year Rigorus imprisonment and to pay the cheque amount of Rs.3,00,000/- as compensation under Section 357[3] of Cr.P.C. to the respondent/complainant and in default to undergo one month rigorous imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.33 of 2018, which was also confirmed by the learned Additional District and Sessions Judge, Mayiladuthurai, vide judgment dated 06.08.2022.



*Crl.M.P.No.3608 of 2023 in
Crl.RC No.474 of 2023*

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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 is no duly proved legally enforceable debt as against the petitioner and there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. Heard the learned counsel appearing for the petitioner 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 :



*Crl.M.P.No.3608 of 2023 in
Crl.RC No.474 of 2023*

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(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the concerned 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/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Mayiladuthurai.***

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the concerned 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.

13.03.2023

Index:Yes/No
Internet:Yes/No
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To

1. The Additional District and Sessions Judge, Mayiladuthurai.
2. The Judicial Magistrate, Fast Track Court, Mayiladuthurai.



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*Crl.M.P.No.3608 of 2023 in
Crl.RC No.474 of 2023*

V.SIVAGNANAM, J.

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**Crl.M.P.No.3608 of 2023 in
Crl.RC No.474 of 2023**

13.03.2023