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Crl.M.P.No.19915 of 2022 in Crl.RC.No.1695 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19915 of 2022

in

Crl.RC.No.1695 of 2022

S.Kalarani

... Petitioner

/vs/

R. Mohana Prakash

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 374(2) of Cr.P.C., to suspend the execution of the sentence imposed by the Principal Sessions Judge, Tiruppur in Crl.A.No.71 of 2022, by order dated 10.11.2022, confirming the judgment dated 30.05.2022 in STC.No.4 of 2018 on the file of Judicial Magistrate, Fast Track Court (for Cheques Cases) Court, Tiruppur and also release him on bail pending disposal of the criminal revision case.

For Petitioner

... Mr. S.Praveennath

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the execution of the sentence imposed by the Principal Sessions Judge, Tiruppur in Crl.A.No.71 of 2022, by order dated 10.11.2022, confirming the judgment dated 30.05.2022 in STC.No.4 of 2018 on the file of Judicial Magistrate, Fast Track Court (for Cheques Cases) Court, Tiruppur



and also release him on bail pending disposal of the criminal revision case

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2. The petitioner, who is the sole accused in STC.No.4 of 2018 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 6 months,;
		he was also ordered to pay dishonoured cheque amount of Rs.6,69,000/- as compensation to the complainant u/s. 357(3) Cr.P.C., in default in payment of compensation, to undergo SI for further period of one month.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the judgment dated 10.11.2022 passed by the Principal Sessions Judge, Tiruppur in Crl.A.No.71 of 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.

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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 the Trial Court;
- (ii) The petitioner shall affix his photographs and Left Thumb Impression in the bond and the trial 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.



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02.01.2023

To

1. The Principal Sessions Judge, Tiruppur
2. The Judicial Magistrate, Fast Track Court
(for Cheques Cases) Court, Tiruppur.

V.SIVAGNANAM, J.

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