



Crl.M.P.No.373 of 2023 in Crl.R.C.64 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.373 of 2023 in
Crl.R.C.No.64 of 2023

R. Arumugam

... Petitioner

Vs.

D. Thangaraju

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence passed by the Judicial Magistrate Fast Track Magistrate Level II Coimbatore in C.C.No.885 of 2017 dated 16.09.2019 and confirmed by the III Additional District and Sessions Judge, Coimbatore in Criminal Appeal No.335 of 2019 dated 18.04.2022 and enlarge him on bail pending disposal of the Criminal Revision Petition and pass orders.

For Petitioner : Mr.R. Bharath Kumar

ORDER

This petition has been filed to suspend the sentence passed by the Judicial Magistrate Fast Track Magistrate Level II Coimbatore in C.C.No.885 of 2017 dated 16.09.2019 which was confirmed by the III Additional District and Sessions Judge, Coimbatore in Criminal Appeal No.335 of 2019 dated



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18.04.2022 and enlarge him on bail pending disposal of the Criminal Revision Petition

2. The learned Judicial Magistrate, Fast Track Court II, Coimbatore, in C.C.No.885 of 2017 dated 16.09.2019 convicted the accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.1,50,000/- (One Lakh Fifty Thousand Only) with 6% interest from the date of cheque payable to the respondent herein, failing which, to undergo three months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Criminal Appeal No. 335 of 2019 and the same was also confirmed by the learned III Additional District and Sessions Judge, Coimbatore.

3. Challenging the conviction and sentence slapped by the Trial Court and the first Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.



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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.

(i) The substantive sentence of imprisonment alone is suspended and 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 a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court at Magisterial Level- No.II, at Coimbatore.*

(ii) The petitioner and sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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

11.01.2023

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Index:Yes/No
Internet:Yes/No
smn

To

- 1.The III Additional District and Sessions Judge, Coimbatore
2. The Judicial Magistrate, Fast Track Court at Magisterial Level-II at Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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