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Crl.M.P.No.20142 of 2022 in Crl.R.C.No.1719 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.20142 of 2022

in

Crl.R.C.No.1719 of 2022

R.K.Vijay

... Petitioner

Vs.

G.Nandakumar

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence of one year simple imprisonment and compensation of Rs.15,00,000/- of compensation to the complainant within 30 days imposed by the Court of Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur in C.C.No.312 of 2016 dated 10.06.2019 and confirmed by the judgment of the Court of the Principal District and Sessions Judge, Kancheepuram District at Chengalpattu in Crl.A.No.64 of 2019 dated 08.09.2022.

For Petitioner

: Mr.B.Janakiram



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ORDER

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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, in C.C.No. 312 of 2016 vide judgment dated 10.06.2019, which was confirmed by the Principal District and Sessions Judge, Kancheepuram at Chengalpattu, in Crl.A.No.64 of 2019, vide judgment dated 08.09.2022, pending disposal of the Criminal Revision Petition.

1. The Trial Court, by judgment dated 10.06.2019 in C.C.No.312 of 2016, convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced her to undergo one year simple imprisonment and to pay a sum of Rs.15,00,000/- as compensation under Section 357(3) of Cr.P.C., to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.64 of 2019, which was also confirmed by the first appellate Court vide judgment dated 08.09.2022.

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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 case and hence, prayed for suspension of sentence.

5. Heard the learned counsel for the petitioner and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsel for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.



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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 *executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur.*

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

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

03.01.2023

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To

The Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur

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V.SIVAGNANAM, J.,

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