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Crl.M.P.No.19872 of 2022 in Crl.RC.No.1682 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.19872 of 2022

in

Crl.RC.No.1682 of 2022

K. Madhappan

Proprietor of M/s.Sri Vishnu Industries,
No.20, Rajeshwari Layout,
Begapalli Post, SIPCOT-1,
Hosur 635 126.

New address: M/s.Sri Vishnu Industries,
N24A, 3rd phase, SIDCO Industrial
Estate, near MRF Tyres,
Hosur 635 126.

Residene: M/s.Sri Vishnu Industries,
M216, Old No.a; -459 Avalipalli
HUDCO Phase-6. Hosur 635 109.

... Petitioner

/vs/

G. Mahaveerchand bafna

Proprietor of M/s. Manibhadra Electricals,
having office at No.148/1,
Lingichetty Street, Chennai 600 001.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 374(2) of Cr.P.C., to suspend the sentence of imprisonment passed against the petitioner in C.C.No.1479 of 2015 dated 17.12.2021 by the FTC-IV Metropolitan Magistrate Court, George Town, Chennai and the same was confirmed in C.A.No.47 of 2022 dated 25.07.2022 passed by the III Additional Sessions Judge at Chennai and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.



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For Petitioner

... Mr. C. Venkatesan

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.1479 of 2015 dated 17.12.2021 by the Fast Track Court-IV Metropolitan Magistrate Court, George Town, Chennai, which was confirmed by the judgment passed in C.A.No.47 of 2022, dated 25.07.2022 by the III Additional Sessions Judge at Chennai and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.1479 of 2015 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.3,10,000/- as compensation to the complainant u/s.357(3) Cr.P.C. within one month, in default in payment of compensation, to undergo SI for further period of two months.



The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the III Additional Sessions Judge at Chennai in C.A.No.47 of 2022, dated 25.07.2022. 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:



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- (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 a 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 photograph 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.

02.01.2023

msr

To

1. The Fast Track Court-IV Metropolitan Magistrate Court,
George Town, Chennai .
2. The III Additional Sessions Judge at Chennai



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V.SIVAGNANAM, J.

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