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Crl.M.P.No.2688 of 2023 in Crl.RC.No.335 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2688 of 2023

in

Crl.RC.No.335 of 2023

Senthilkumar

Proprietor S.S.Agencies,

No.4./25-3, Railway Station Road,

Kinathukadavu, Pollachi,

Coimbatore 642 109

... Petitioner

/vs/

Tribhovandas Venravan & Bros.

Represented by its Partner,

Nirav A.Shah,

No.3, Erimedu, Ramanathapuram,

Sungam,

Coimbatore District

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 (1) of Cr.P.C., to suspend the sentence imposed on the petitioner in C.C.No.107 of 2017 dated 22.11.2019 on the file of the learned Judicial Magistrate Court-VI, Coimbatore, as confirmed by the judgment of the learned V Additional District and Sessions Judge, Coimbatore in C.A.No.418 of 2019, dated 25.08.2022 and enlarge the petitioner on bail.

For Petitioner

... Mr Rajadurai for

Mr.M.N.Balakrishnan



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 22.11.2019 in C.C.No.107 of 2017 on the file of Judicial Magistrate Court VI, Coimbatore which was confirmed by the judgment dated 25.08.2022 passed by the V Additional District and Sessions Judge, Coimbatore in C.A.No.418 of 2019 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

2. The petitioner, who is the sole accused in C.C.No.107 of 2017 was convicted and sentenced by the trial court on 22.11.2019 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 RI for one year and to pay the cheque amount of Rs.7,78,000/- to the complainant as compensation, within a period of three months from the date of judgment, in default in payment, to undergo two months SI.

Aggrieved over the judgment of conviction and sentence imposed on the petitioner by the trial court, the petitioner preferred Criminal Appeal before the V Additional District and Sessions Judge, Coimbatore in C.A.No.418 of



2019, who, by judgment dated 25.08.2022, dismissed the criminal appeal.

Challenging the above conviction and sentence, the petitioner has filed the present 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 lower appellate court is contrary to law, weight of evidence and probabilities of the case. He further submitted 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 case.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. 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.



6. 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 Judicial Magistrate VI, Coimbatore, 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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the above said Magistrate.
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the above said Court may obtain a copy of Aadhaar card or Bank pass Book to ensure the identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

24.02.2023

msr

To

1. The Judicial Magistrate VI, Coimbatore,
2. The V Additional District and Sessions Judge, Coimbatore.

V.SIVAGNANAM, J.



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