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Crl.M.P.No.331 of 2023 in Crl.RC.No.58 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.331 of 2023

in

Crl.RC.No.58 of 2023

Ramesh @ Gokulakrishnan

... Petitioner

/vs/

G. Ramakrishnan

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 of Cr.P.C., to suspend the sentence imposed on the petitioner in C.C.No.92 of 2015, dated 24.05.2019 on the file of the Judicial Magistrate Court-I, Udumalpet, as confirmed by the judgment of the Principal Sessions Judge, Tiruppur in C.A.No.61 of 2019, dated 01.12.2021, pending disposal of the above Criminal Revision case.

For Petitioner

... Mr. M.N.Balakrishnan

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.92 of 2015, dated 24.05.2019 on the file of the Judicial Magistrate Court-I, Udumalpet, as confirmed by the judgment of the Principal Sessions Judge, Tiruppur in



C.A.No.61 of 2019, dated 01.12.2021, pending disposal of the above Criminal Revision case.

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2. The petitioner, who was the sole accused in C.C.No.92 of 2015 was convicted and sentenced by the trial court on 24.05.2019 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 SI for six months; he is ordered to pay the cheque amount of Rs.1,90,000/-, to the complainant as compensation u/s.357(3) Cr.P.C within three months from the date of judgment.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Principal Sessions Judge, Tiruppur in C.A.No.61 of 2019, dated 01.12.2021.

3. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case along with the instant miscellaneous petition, seeking suspension of sentence and bail.



4. 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. The petitioner has been now confined under judicial custody. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

5. Head the learned counsel for the petitioner and perused the materials available on record.

6. 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.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.10,000/-(Rupees ten



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thousand only) to the satisfaction of 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;
- (ii) The petitioner shall appear before the trial Court as and when required.

10.01.2023

msr

To

1. The Judicial Magistrate Court-I, Udumalpet.
2. The Principal Sessions Judge, Tiruppur.
3. The Superintendent, Central Prison, Coimbatore.

Note: Issue copy on 11.01.2023



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V.SIVAGNANAM, J.

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