



WEB COPY



*Crl.M.P.No.4144 of 2023 in
Crl.RC No.553 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.4144 of 2023 in
Crl.RC No.553 of 2023**

J.Sasikumar

... Petitioner

Vs.

G.Selvaraj

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389 (1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgement dated 09.12.2019 made in Crl.A.No.149/2019 on the file of the learned Additional Sessions Judge, XVI Additional District & Sessions Court at Chennai confirming the judgment and sentence in C.C.No.1608 of 2017 dated 08.03.2019 on the file of the learned Metropolitan Magistrate, IV FTC, George Town, at Chennai, and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner	: Mr.D.Saravanakumar
For respondent	: No appearance

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner in the judgement dated 08.03.2019 in C.C.No.1608 of 2017 on the



*Crl.M.P.No.4144 of 2023 in
Crl.RC No.553 of 2023*

WEB COPY

file of the learned Metropolitan Magistrate, IV FTC, George Town, at Chennai, which was confirmed by the learned Additional Sessions Judge, XVI Additional District and Sessions Court at Chennai in Crl.A.No.149/2019 dated 09.12.2019 and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2.The learned Metropolitan Magistrate, IV FTC, George Town, at Chennai, vide judgment dated 08.03.2019 passed in C.C.No.1608 of 2017, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 10 months simple imprisonment and to pay a compensation by way of cheque amount of Rs.5,00,000/- with interest @ 9% from the date of dishonour of cheque within one month to the complainant under Section 357(3) Cr.PC and in default of payment of compensation, the accused shall undergo a further period of 2 months simple imprisonment as default sentence. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.149/2019, before the learned Additional Sessions Judge, XVI Additional District and Sessions Court at Chennai and the learned Judge vide judgment dated 09.12.2019, confirmed the judgement of the trial Court.

3.Challenging the conviction and sentence slapped by the Trial Court



*Crl.M.P.No.4144 of 2023 in
Crl.RC No.553 of 2023*

WEB COPY

and the lower Appellate Court, the petitioner is before this Court.

4.The learned counsel for the petitioner submitted that the judgement of the trial Court as well as 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 the above Criminal Revision Case and the petitioner has every chance to succeed in this Criminal Revision. He further submitted that already, the petitioner has paid the fine amount and hence, prayed for suspension of sentence.

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.



*Crl.M.P.No.4144 of 2023 in
Crl.RC No.553 of 2023*

WEB COPY

(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 own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Metropolitan Magistrate, IV FTC, George Town, at Chennai.

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

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

27.03.2023

(2/3)

Index: Yes/No
Internet: Yes/No

dn



*Crl.M.P.No.4144 of 2023 in
Crl.RC No.553 of 2023*

WEB COPY **To**

1. The learned Metropolitan Magistrate,
IV FTC, George Town, at Chennai
2. The learned Additional Sessions Judge,
XVI Additional District & Sessions Court at Chennai

V.SIVAGNANAM, J.

dn



WEB COPY



*Crl.M.P.No.4144 of 2023 in
Crl.RC No.553 of 2023*

**Crl.M.P.No.4144 of 2023 in
Crl.RC No.553 of 2023**

**27.03.2023
(2/3)**