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*Crl.M.P.No.697 of 2023 in
Crl.RC No.99 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.697 of 2023 in
Crl.RC No.99 of 2023**

C.Manikandakumar
Petitioner

...

Vs.

V.N.Parasuraman
Respondent

...

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner by judgment dated 17.11.2022 made in C.A.No.136 of 2021 on the file of the III Additional District and Sessions Court, Gobichettipalayam, confirming the conviction and sentence dated 13.10.2021 made in C.C No.50/2017, on the file of the Judicial Magistrate Court No.2, Gobichettipalayam and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.K.S.Karthik Raja



*Crl.M.P.No.697 of 2023 in
Crl.RC No.99 of 2023*

WEB COPY

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.50/2017, vide judgement dated 13.10.2021, which was confirmed by the lower appellate Court in C.A.No.136/2021, vide judgement dated 17.11.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate No.2, Gobichettipalayam, vide judgment dated 13.10.2021, convicted the petitioner for the offence punishable under Section 138 and 142 of Negotiable Instruments Act and sentenced him to undergo 1 year simple imprisonment and to pay a sum of Rs.5,00,000/- as compensation under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.136/2021, which was also confirmed by the learned III Additional District and Sessions Judge, Gobichettipalayam, vide judgment dated 17.11.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are



Crl.M.P.No.697 of 2023 in
Crl.RC No.99 of 2023

WEB COPY

arguable points in this Criminal Revision Petition 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.

(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 Judicial Magistrate No.2, Gobichettipalayam.*

(ii) The petitioner shall affix his photograph and Left Thumb



*Crl.M.P.No.697 of 2023 in
Crl.RC No.99 of 2023*

WEB COPY

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 Trial Court as and when required.

23.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

1. The III Additional District and Sessions Judge, Gobichettipalayam,
- 2.The Judicial Magistrate No.2, Gobichettipalayam
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**23.01.2023
(1/2)**