



Crl.M.P.No.291 of 2023 in Crl.R.C.No.52 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.291 of 2023

in

Crl.R.C.No.52 of 2023

G.Peter

... Petitioner

Vs.

S.Anand

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence confirmed by the impugned order dated 04.11.2022 on the file of the learned VI Additional Sessions Court, Chennai in Crl.A.No.190 of 2019 while dismissing the appeal and consequently confirming the judgment dated 08.04.2019 on the file of the learned Fast Track Metropolitan Magistrate Court No.IV, GT, Chennai in C.C.No.250 of 2016 under Section 138 r/w.142 of Negotiable Instruments Act sentencing the petitioner to undergo simple imprisonment for 10 months and to pay a fine of Rs.8,40,000/- within one month, in default to undergo a further sentence of two months simple imprisonment and consequently enlarge the



Crl.M.P.No.291 of 2023 in Crl.R.C.No.52 of 2023

petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner : Mr.A.Thirumaran

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Metropolitan Magistrate Fast Track Court No.IV, George Town, Chennai in C.C.No.250 of 2016, vide judgement dated 08.04.2019, which was confirmed by the learned VI Additional Sessions Judge, Chennai in Crl.A.No.190 of 2019, vide judgment dated 04.11.2022.

2. The Trial Court, by judgment dated 08.04.2019 in C.C.No.250 of 2016, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo ten months Simple Imprisonment and to pay a sum of Rs.8,40,000/- with interest at the rate of 9% per annum from the date of dishonour as compensation under Section 357(3) of Cr.P.C. to the complainant within one month. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.190 of 2019, which was also confirmed by the lower appellate



Crl.M.P.No.291 of 2023 in Crl.R.C.No.52 of 2023

Court, vide judgment dated 04.11.2022.

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 arguable points in this Criminal Revision Case 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 the above submission of the learned counsel appearing for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.



Crl.M.P.No.291 of 2023 in Crl.R.C.No.52 of 2023

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 *executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Fast Track Metropolitan Magistrate Court No.IV, George Town, Chennai.*

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

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

11.01.2023

2/3

rpl



Crl.M.P.No.291 of 2023 in Crl.R.C.No.52 of 2023

To
WEB COPY

The Fast Track Metropolitan Magistrate Court No.IV, George Town,
Chennai



WEB COPY



Crl.M.P.No.291 of 2023 in Crl.R.C.No.52 of 2023

V.SIVAGNANAM, J.,

rpl

Crl.M.P.No.291 of 2023
in
Crl.R.C.No.52 of 2023

11.01.2023