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Crl.M.P.No.2854 of 2023 in Crl.RC.No.362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2854 of 2023

in

Crl.RC.No.362 of 2023

B. Sugumaran

... Petitioner

/vs/

R. Palani

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 of Cr.P.C., to suspend the sentence passed by the XIX Metropolitan Magistrate Court in C.C.No.5856 of 2016 by its order dated 10.10.2018 and release the petitioner on bail, pending disposal of the above Criminal Revision Case.

For Petitioner

... Mr. J. Suresh

For Respondent

... Mr.Haemanand
No appearance

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.5856 of 2016, dated 10.10.2018 by the XIX Metropolitan Magistrate Court, Rippon Building, Chennai, which was confirmed by the judgment



passed in C.A.No.583 of 2018, dated 17.09.2021 by the V Additional Sessions Judge, City Civil Court, Chennai, and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.5856 of 2016 was convicted and sentenced by the trial court 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 and a fine of Rs.5000/-, in default in payment of fine, to undergo one month SI ;
		he was also ordered to pay Rs.2,50,000/- as compensation to the complainant u/s.357 Cr.P.C.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the V Additional Sessions Judge, City Civil Court, Chennai in C.A.No.583 of 2018, dated 17.09.202. Challenging the above conviction and sentence, the petitioner has filed 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 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. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

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4. Though the respondent has entered appearance through his counsel, when the matter was called, there is no representation for the respondent either in person, or through counsel.

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:

- (i) 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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the XIX Metropolitan Magistrate, Allikulam, Chennai.



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V.SIVAGNANAM, J.

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- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the above said Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

28.02.2023

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To

1. The XIX Metropolitan Magistrate, Allikulam, Chennai.
2. The V Additional Sessions Judge, City Civil Court, Chennai

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