



Crl.M.P.No.3 of 2023 in Crl.Rc No.1 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3 of 2023 in
Crl.RC No.1 of 2023

W.V.Rajendra Prasad

... Petitioner

Vs.

M/s Benaka Minerals Trading Private Limited,
rep. by its Port Operator Mr.A.Anthony,
No.1/3, Venus Colony, 2nd Street,
Appavoo Apartments, Alwarpet,
Chennai 600 018.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 401 of Criminal Procedure Code to suspend the sentence imposed in C.C.No.334/2014 dated 16.03.2021 passed by the Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai, which was confirmed by the II Additional Judge, City Civil Court, Chennai in Crl.A.No.86/2021 dated 09.12.2022 and enlarge the petitioner on bail.

For Petitioner

: Mr.S.Senthil Murugan

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.334/2014, vide judgement dated 16.03.2021, which was confirmed by the first appellate Court in Crl.A.No.86/2021, vide judgment dated 09.12.2022, pending disposal of the Criminal Revision Petition.

2. The learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai, by judgment dated 16.03.2021 in C.C.No.334/2014, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo nine months simple imprisonment and to pay the cheque amount as compensation under Section 357(3) of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.86/2021, which was also confirmed by the learned II Additional Judge, City Civil and Sessions Court, Chennai, vide judgment dated 09.12.2022.

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

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



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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 Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai.***

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



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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.

04.01.2023

(1/3)

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The II Additional Judge, City Civil and Sessions Court, Chennai.
2. The Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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