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*Crl.M.P.No.376 of 2023 in
Crl.R.C.No.65 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.376 of 2023 in
Crl.RC No.65 of 2023

P.Balasubramaniam

... Petitioner

Vs.

P.Krishnamoorthy

... 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 29.09.2022 made in C.A.No.102 of 2020 on the file of the V Additional District and Sessions Court, Coimbatore, confirming the judgment dated 20.01.2020 made in C.C.No.73 of 2013 by the Judicial Magistrate, Fast Track Court at Magisterial Level-1, Coimbatore, pending disposal of the Criminal Revision Petition.

For Petitioner

: Mr.R.Prabakar

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.73/2013, vide judgement dated 20.01.2020, which was confirmed by the lower appellate Court in



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C.A.No.102/2020, vide judgement dated 29.09.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Fast Track Court No.1 at Magisterial Level, Coimbatore, vide judgment dated 20.01.2020, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a sum of Rs.3,00,000/- as compensation under Section 357(3) of Cr.P.C. to the complainant, within 2 months from the date of judgment, in default, to undergo 2 months imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.102/2020, which was also confirmed by the learned V Additional District and Sessions Judge, Coimbatore, vide judgment dated 29.09.2022.

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 arguable points in this Criminal Revision Petition and hence, prayed for



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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. Thisfore, 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, Fast Track Court at Magisterial Level-1, Coimbatore.*

(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.

12.01.2023

(1/3)

Index: Yes/No
Internet: Yes/No
mst

To

1. The V Additional District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Fast Track Court at Magisterial Level-1, Coimbatore.
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**12.01.2023
(1/3)**