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Crl.M.P.No.19910 of 2022 in Crl.RC.No.1694 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19910 of 2022

in

Crl.RC.No.1694 of 2022

K. Manoharan

... Petitioner

/vs/

B. Hemamalini

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to suspend the sentence passed on the petitioner in S.T.C.No.5140 of 2012, dated 14.12.2020 by the learned Judicial Magistrate-II, Puducherry and confirmed by the III Additional Sessions Judge, Puducherry in C.A.No.04 of 2021, dated 17.08.2022, pending disposal of the above Criminal Revision Case.

For Petitioner

... Mr. S. Sathia Chandran

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in S.T.C.No.5140 of 2012, dated 14.12.2020 by the Judicial Magistrate-II, Puducherry, which was confirmed by the III Additional Sessions Judge, Puducherry in C.A.No.04 of



2021, dated 17.08.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

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2. The petitioner, who was the sole accused in S.T.C.No.5140 of 2012 was convicted and sentenced by the trial court on 14.12.2020 as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 and 142 of NI Act	To undergo SI for one year and to pay a compensation of Rs.13,00,000/-, in default, to undergo three months SI and to pay a fine of Rs.5000/-, in default, to undergo three months SI
The fine amount was already paid		

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the III Additional Sessions Judge, Puducherry in C.A.No.04 of 2021, dated 17.08.2022, and the default clause to undergo three months SI for payment of compensation alone was ordered to be set aside.

3. Challenging the above conviction and sentence, the petitioner has filed the present Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. 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 case.

5. Head the learned counsel for the petitioner and perused the materials available on record.

6. 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.

7. 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 executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two



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sureties, each for a like sum, to the satisfaction of the Trial Court.

- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the trial 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.

02.01.2023

msr

To

1. The Judicial Magistrate-II, Puducherry
2. The III Additional Sessions Judge, Puducherry

V.SIVAGNANAM, J.



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