



Crl.M.P.No.329 of 2023 in Crl.Rc No.57 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.329 of 2023 in
Crl.RC No.57 of 2023

M.Ganesan

... Petitioner

Vs.

Dhanlaxmi Bank Ltd.,
rep. by its Branch Head Mr.K.Sunesh,
Dhanlaxmi Bank Ltd., G.T.Branch,
No269, Thambu Chetty Street,
Chennai 600 001.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code to suspend the sentence made in Jugment dated 17.08.2022 in Crl.A.No.15 of 2020 by the XX Additional Sessions Judge, City Civil Court, Chennai, confirming the conviction and sentence in the judgment dated 09.12.2019 made in CC No.1528/2018 by the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, pending disposal of the Criminal Revision Petition.

For Petitioner

: Mr.W.Camyles Gandhi



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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.1528/2018, vide judgement dated 09.12.2019, which was confirmed by the Lower Appellate Court in Crl.A.No.15/2020, vide judgment dated 17.08.2022, pending disposal of the Criminal Revision Petition.

2. The learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai,, by judgment dated 09.12.2019 passed in C.C.No.1528/2018, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 2 months simple imprisonments and to pay dishonoured cheque amount of Rs.20,139/- to the complainant under Section 357 of Cr.P.C. within one month, in default, to undergo one month simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.15/2020, which was also confirmed by the learned XX Additional Sessions Judge, City Civil Court, Chennai vide judgment dated 17.08.2022.

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



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4. The learned counsel for the petitioner submitted that there are 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. 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 a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai,*



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

10.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The XX Additional Sessions Judge, City Civil Court, Chennai,
2. The Metropolitan Magistrate, Fast Track Court No.IV,
George Town, Chennai,
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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