



Crl.M.P.No.231 of 2023 in Crl.R.C.No.43 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.231 of 2023

in

Crl.R.C.No.43 of 2023

C.A.Rajendran

... Petitioner

Vs.

D.Palani

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on the petitioner in conviction judgment made in Crl.A.No.371 of 2018 dated 20.12.2019 by the learned VII Additional Sessions Judge, Chennai confirming judgment made in C.C.No.1342 of 2015 dated 24.05.2018 by learned Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennai and enlarge the petitioner on bail pending disposal of the accompanying Criminal Revision Case.

For Petitioner

: Mr.P.Madasamy



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ORDER

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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennai, in C.C.No.1342 of 2015 vide judgment dated 24.05.2018, which was confirmed by the VII Additional Sessions Judge, Chennai, in Crl.A.No.371 of 2018, vide judgment dated 20.12.2019, pending disposal of the Criminal Revision Case.

2. The Trial Court, by judgment dated 24.05.2018 in 1342 of 2015, convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and imposed to pay a sum of Rs.24,00,000/- as compensation under Section 357 of Cr.P.C., within period of one month, in default the accused shall undergo simple imprisonment for another term of three months. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.371 of 2018, which was also confirmed by the first appellate Court vide judgment dated 20.12.2019.



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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 case and hence, prayed for suspension of sentence.

5. Heard the learned counsel for the petitioner and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsel for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.



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7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *shall execute own bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate Fast Track Court-II, Egmore, Allikulam, Chennai.*

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court as and when required.

09.01.2023

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To

1.The Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennai.

2. The Superintendent, Central Prison, Puzhal, Chennai.

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V.SIVAGNANAM, J.,

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