



Crl.M.P.No.18 of 2023 in Crl.Rc No.3 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.18 of 2023 in
Crl.RC No.3 of 2023

Benny Samraj

... Petitioner

Vs.

Lalith Kumar

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(i) and 439 of Criminal Procedure Code to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Maduranthakam, made in C.C.No.92/2015 dated 10.03.2020, which was confirmed by the learned Principal District and Sessions Judge, Chengalpattu made in C.A.No.1 of 2021 dated 27.10.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

For Petitioner

: Mr.T.R.Ravi

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.92/2015, vide judgement dated 10.03.2020, which was confirmed by the first appellate Court in Crl.A.No.1/2021, vide judgment dated 27.10.2022, pending disposal of the



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Criminal Revision Petition.

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2. The learned Judicial Magistrate, Maduranthakam, by judgment dated 10.03.2020 in C.C.No.92/2015, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 1 year simple imprisonment and to pay double the amount of cheque amount i.e. Rs.4,20,000/- as compensation under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.1/2021, which was also confirmed by the learned Principal District and Sessions Judge, Chengalpattu, vide judgment dated 27.10.2022.

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 suspension of sentence.

5. Heard the learned counsel appearing for the petitioner and perused



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the impugned judgments and the materials on record.

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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 a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Maduranthakam.***

(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



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required.
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04.01.2023

(1/3)

Index: Yes/No
Internet: Yes/No
mst

To

- 1.The Principal District and Sessions Judge, Chengalpattu
2. The Judicial Magistrate, Maduranthakam.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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