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*Crl.M.P.No.787 of 2023 in
Crl.RC No.108 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.787 of 2023 in
Crl.RC No.108 of 2023**

Murugavel
Petitioner

...

Vs.

A.Senthilkumar
Respondent

...

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed by the learned Judicial Magistrate, Fast Track Court, Salem, Salem District in STC No.10/2020 dated 04.02.2021, and confirmed by the learned Principal Sessions Judge, Salem, Salem District in Crl.A.No.22/2021 dated 08.12.2021, pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.E.Kannadasan

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in STC No.10/2020, vide judgement dated



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04.02.2021, which was confirmed by the lower appellate Court in C.A.No.22/2021, vide judgement dated 08.12.2021, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Fast Track Court, Attur, Salem District, vide judgment dated 04.02.2021, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to pay a sum of Rs.1,80,000/- as compensation under Section 357(3) of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in C.A.No.22/2021, which was also confirmed by the learned Principal Sessions Judge Salem, vide judgment dated 08.12.2021.

3. Challenging the conviction and sentence slapped by the Trial Court and the lower 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 the petitioner is in custody from 12.12.2022 and hence, prayed for suspension of sentence. **He further submitted that at the time of arrest, the petitioner was confined to**



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the Central Prison, Salem and latter, he was transferred to the Central Prison, Coimbatore.

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. 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 is directed to be enlarged on bail on condition that the petitioner *shall execute a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the Superintendent, Central Prison, Coimbatore.*



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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.

23.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

1. The Principal Sessions Judge, Salem, Salem District.
- 2.The Judicial Magistrate, Fast Track Court, Attur, Salem District.
3. The Superintendent, Central Prison, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**23.01.2023
(1/2)**