



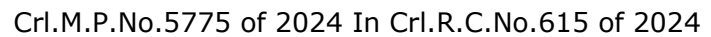
Crl.M.P.No.5775 of 2024 In Crl.R.C.No.615 of 2024

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M.DHANDAPANI,J.

Petitioner was not found guilty under Section 138 of the Negotiable Instruments Act and was acquitted by the learned Judicial Magistrate, Fast Tract Court (Magisterial Level No.II) Poonamallee under judgment dated 23.03.2017 in S.T.C.No.162 of 2014. The said judgment was reversed by the learned II Additional District and Sessions Judge, Thiruvallur @ Poonamallee under judgment in Criminal Appeal No.45 of 2017 dated 24.01.2024 and the petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo 1 month S.I. and to pay a fine of Rs.10,000/- in default to undergo one week S.I. Hence, the petitioner seeks suspension of sentence.

2.Learned counsel for petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. It is further



3. The above decisions have been relied upon time and again by the Court towards reaching the conclusion that in moving a revision against conviction, the accused need not surrender and undergo imprisonment before seeking the relief of suspension of sentence pending disposal of the Criminal Revision.

4. Therefore, in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the revision, as contended by learned counsel for petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



Crl.M.P.No.5775 of 2024 In Crl.R.C.No.615 of 2024

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5. Accordingly, 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 bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate Court, FTC No.II, Poonamallee and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30a.m. pending revision.

6. Notice.

01.04.2024

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