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Crl.MP.No.7551 of 2024 in Crl.RC.No.851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Crl.M.P.No.7551 of 2024

in

Crl.RC.No.851 of 2024

1. P.R.Venkateswara

2. M/s.Golden Homes,
Rep. by its Sole Proprietor,
P.R.Venkateswara, aged about 46 years,
Plot No.19, Vijayalakshmi Flat,
Block – 1,
Ground Floor,
Parthasarathy III Cross Street,
Nanmangalam,
Chennai – 600 129. ...Petitioners

-VS-

M.Kumaran

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., to suspend the sentence imposed by the Hon'ble Principal District and Sessions Judge, Kanchipuram at Chengalpattu, dated



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12.09.2023 in C.A.No.30 of 2020 by confirming the conviction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur dated 03.11.2020 in C.C.No.577 of 2016 and enlarge the petitioner/ accused on bail pending disposal of the above Criminal Revision Petition.

For Petitioners : M/s.S.Sathya Raj

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed by Principal District and Sessions Judge, Kanchipuram at Chengalpattu, dated 12.09.2023 in C.A.No.30 of 2020 by confirming the conviction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur dated 03.11.2020 in C.C.No.577 of 2016 and enlarge the petitioner/ accused on bail pending disposal of the above Criminal Revision Petition.

2. The petitioner/accused in the above Sessions Case, was convicted and sentenced as follows:



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Offence under Section	Sentence imposed
138 of the NI Act	Accused 1 was sentenced to undergo simple imprisonment for six months
357(3) of the Cr.P.C	Accused 1 and 2 shall pay a sum of Rs.3,80,000/- as compensation to the complainant within two months, in default, to undergo simple imprisonment for three months.
Sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentence, the petitioners/ accused have filed the above Criminal Revision Case and seeks suspension of sentence and bail in the present petition.

4. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Revision and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court. He would further submit that during the



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pendancy of the trial, the petitioner had already deposited a sum of Rs.95,000/- on 20.01.2021 under which 20% has already been paid as compensation before the Appellate Court.

5. Heard S.Sathya Raj, the learned counsel for the petitioners.

6. The petitioners herein have been convicted for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months of simple imprisonment and also been directed to pay a sum of Rs.3,80,000/- before the Principal District and Sessions Judge, Kanchipuram at Chengalpattu vide order dated 12.09.2023 passed in Criminal Appeal No.30 of 2020, which had been enhanced to Rs.5,50,000/- in the appeal filed by the petitioners.

7. In view of the fact that the petitioners have already deposited 20% of the amount directed to be paid as compensation before the Appellate Court, I am inclined to grant suspension of the substantive sentence made



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against the petitioners herein till the disposal of the present Criminal Revision Case and the petitioner is ordered to be enlarged on bail.

8. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment is suspended and the sentence imposed on the petitioner is suspended on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur;

(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 and mobile numbers to ensure their identity; and

(iii) Petitioner shall appear before the trial Court on the Monday of every week at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before trial Court on any day, he



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shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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Speaking/Non-Speaking order
Neutral Citation: Yes/No

Issue order copy by .05.2024

Copy to

1. The Principal District and Sessions Judge,
Kanchipuram at Chengalpattu,
2. The learned Judicial Magistrate,
Fast Track Court (Magisterial Level),
Alandur.
3. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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K.KUMARESH BABU, J.
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