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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.7495 of 2024
in Crl.RC.No.833 of 2024

G.Sundararajan

...Petitioner

Vs.

T.Karunakaran

...Respondent

Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to suspend the sentence of the order dated 14.06.2022 passed in C.A.No.124 of 2019 by the learned XX Additional Sessions Judge, City Civil Court, Chennai, confirming the order dated 25.02.2019 passed in C.C.No.441 of 2018 by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Allikulam, Chennai and enlarge the petitioner on bail, pending disposal of the criminal revision case.

For Petitioner : Mr.A.Balasingh Ramanujam



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 14.06.2022 passed in C.A.No.124 of 2019 by the learned XX Additional Sessions Judge, City Civil Court, Chennai, confirming the judgment dated 25.02.2019 passed in C.C.No.441 of 2018 by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Allikulam, Chennai, pending disposal of the criminal revision case and enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo simple imprisonment for one year and to pay a compensation of Rs.16,00,000/-, in default of payment of the compensation, to undergo simple imprisonment for further period of three months, vide judgment dated 25.02.2019 in C.C.No.441 of 2018, against which, appeal was filed in C.A.No.124 of 2019 before the learned XX Additional Sessions Judge, City



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Civil Court, Chennai, and the same was dismissed. Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.

3. The learned counsel for the petitioner would submit that during the pendency of C.C.No.441 of 2018, the petitioner has given a sum of Rs.2,00,000/- to the respondent, however, without considering the said fact, the trial Court has convicted the petitioner and sentenced him to undergo simple imprisonment for a period of one year and directed him to pay the compensation of Rs.16,00,000/- which is being double the value of the cheque amount, against which, appeal was filed in C.A.No.124 of 2019, however, the same was dismissed. After dismissal of the appeal, the petitioner has deposited a sum of Rs.7,00,000/-. He would further submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioner is not in jail.



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4. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the Criminal Miscellaneous Petition is ordered and the punishment of imprisonment imposed as against the petitioner is hereby suspended and he is directed to be released on bail on the following conditions:

a) the Petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court, Magisterial Level IV George Town, Chennai, along with two sureties for a like sum;



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b) the Petitioner shall report before the Court below on the first working day of every month at 10.30 AM, until further orders.

05.06.2024
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ssb

Note: Issue order copy on 06.06.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No



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- To
1. The learned learned XX Additional Sessions Judge, City Civil Court, Chennai.
 2. The learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Allikulam, Chennai.
 3. The Metropolitan Magistrate, Fast Track Court, Magisterial Level IV George Town, Chennai.
 4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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