



Crl.M.P.No.8866 of 2024
in
Crl.R.C.No.1048 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.8866 of 2024
in
Crl.R.C.No.1048 of 2024

M.Balasubramaniam
Petitioner

...

Vs.

N.K.Natarajan

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence passed by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level I, Coimbatore, on 05.02.2018 in C.C.No.337 of 2012 as confirmed by the IV Additional District and Sessions Judge, Coimbatore, in C.A.No.88 of 2018 by judgment dated 31.08.2023 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

For Petitioner : Mr.S.S.Swaminathan



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ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 31.08.2023 passed in C.A.No.88 of 2018 by the learned IV Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 05.02.2018 passed in C.C.No.337 of 2012 by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level I, Coimbatore, 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 the period of six months and to pay the compensation of Rs.3,85,000/- within a period of two months from the date of judgment, failing which, to undergo simple imprisonment for the period of two months, vide judgment dated 05.02.2018 passed in C.C.No.337 of 2012, against



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which, appeal was filed in C.A.No.88 of 2018 before the learned IV Additional District and Sessions Judge, Coimbatore, 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 revision petitioner would 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.

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.



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5. Accordingly, the substantive sentence of imprisonment alone as against the petitioner is hereby suspended on the following conditions:

(a) the petitioner shall deposit 50% of the cheque amount to the credit of C.C.No.337 of 2012 on the file of the learned Judicial Magistrate, Fast Track Court @ Magisterial Level I, Coimbatore, within a period of four weeks from the date of receipt of a copy of this order.

(b) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court @ Magisterial Level I, Coimbatore, along with two sureties for a like sum;

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



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6. The Criminal Miscellaneous Petition is ordered accordingly.

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

Note: Issue order copy by 24.06.2024

To

1. The learned Judicial Magistrate, Fast Track Court @ Magisterial Level I,
Coimbatore.

2. The learned IV Additional District and Sessions Judge, Coimbatore.

3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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