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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.04.2024

CORAM:

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

Crl.M.P.No.6487 and 6488 of 2024
in Crl.RC.No.686 of 2024

M.C.Ramesh

...Petitioner

Vs.

Selvaraj

...Respondent

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment imposed in Criminal Appeal in C.A.No.18 of 2019 dated 29.12.2023 on the file of the learned Sessions Judge of Magalir Neethimandram, FTMC, Udhagamandalam, the Nilgiris confirming the conviction and sentence made in STC.No.437 of 2014 dated 15.02.2018 on the file of Judicial Magistrate , Udhagamandalam,

For Petitioner : Mr.J.Franklin

ORDER

Crl.M.P.No.6487 of 2024 has been filed to suspend the sentence of imprisonment imposed in Criminal Appeal in C.A.No.18 of 2019 dated 29.12.2023 on the file of the learned Sessions Judge of Magalir Neethimandram, FTMC, Udhagamandalam, the Nilgiris confirming the



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conviction and sentence made in STC.No.437 of 2014 dated 15.02.2018 on the file of Judicial Magistrate , Udhagamandalam,

2. Crl.M.P.No.6488 of 2024 has been filed seeking to exempt the petitioner from surrendering before the learned Sessions Judge, Magalir Neethimanram, FTMC, Udhagamandalam, Nilgiris in Crl.A.No.18 of 2019 dated 29.12.2023 confirming the conviction and sentence made in STC.No.437 of 2014 dated 15.02.2018 on the file of Judicial Magistrate, Udhagamandalam.

3. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,00,000/- vide judgment in STC.No.437 of 2014 dated 15.02.2018, which, appeal was confirmed by the appellate court in C.A.No.18 of 2019 dated 29.12.2023 by the learned Sessions Judge of Magalir Neethimandram, FTMC, Udhagamandalam, the Nilgiris. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.



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4. The learned counsel for the appellant 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.

5. 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 revision petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on the revision petitioner shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty thousand only) to the credit of the STC No.437 of 2014 on the file of the learned Judicial Magistrate, Udhagamandalam within a period of two weeks from the date of receipt of a copy of this order.



7. CrI.MP.No.6487 of 2024 is ordered accordingly. However, this

Court is not inclined to dismiss the petition in CrI.MP.No.6488 of 2024.

17.04.2024
(2/3)

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Note: Issue order copy on 17.04.2024

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



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To

1. The Sessions Judge of Magalir Neethimandram, FTMC,
Udhagamandalam,
2. The Nilgiris Judicial Magistrate , Udhagamandalam.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.
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