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Crl.M.P.No.6020 of 2022
in
Crl.R.C.No.578 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P.No.6020 of 2022
in
Crl.R.C.No.578 of 2022**

Natarajan
S/o.Eswaramoorthy

... Petitioner

Vs.

Mani @ Sundharamoorthy
S/o.Duraisamy
Respondent

...

PRAYER : Criminal Miscellaneous Petition filed under Section 389 of Criminal Procedure Code, to suspend the sentence imposed on the petitioner vide judgment dated 21.12.2021 passed in C.A.No.7 of 2020 on the file of the III Additional Sessions Judge, Villupuram @ Kallakurichi, confirming the judgment dated 30.01.2020 passed in C.C.No.42 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Kallakurichi and enlarge the petitioner on bail.



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For Petitioner : Mr.Senthil
For Respondent : Mr.K.Dhananjeyan

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 21.12.2021 passed in C.A.No.7 of 2020 by the learned III Additional Sessions Judge, Villupuram @ Kallakurichi, confirming the judgment dated 30.01.2020 passed in C.C.No.42 of 2019 by the learned Judicial Magistrate, Fast Track Court, Kallakurichi 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 Instruments Act, 1881 and sentenced to undergo simple imprisonment for a period of one year and to pay the compensation of Rs.20,00,000/- to the complainant within a period of two months from the date of judgment, vide judgment dated 30.01.2020 passed in C.C.No.42 of



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2019, against which, appeal was filed in C.A.No.7 of 2020 before the learned III Additional Sessions Judge, Villupuram @ Kallakurichi 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.

5. Accordingly, the substantive sentence of imprisonment alone as



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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.42 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Kallakurichi, 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, Kallakurichi 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.

(d) If the petitioner is not complied with the order of this Court within a stipulated time fixed by this



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Court, the respondent / complainant is at liberty to approach the jurisdictional police authorities for taking action against the petitioner.

6. The Criminal Miscellaneous Petition is ordered accordingly.

08.07.2024
(2/2)

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

vji

Note: Issue order copy by 09.07.2024

To

1. The learned Judicial Magistrate,
Fast Track Court, Kallakurichi.
2. The learned III Additional Sessions Judge,
Villupuram @ Kallakurichi.
3. The Public Prosecutor,
Madras High Court,
Madras.



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