



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM:

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

Crl.M.P.No.6184 of 2024
in Crl.RC.No.659 of 2024

1. M/s.Mughil Foundation,
Represented by its Proprietor,
Shanmugasundaram @ Mahesh
S/o.Kulandaivelu,
Door No.10, Devaki Nagar,
2nd Cross Street, Ponnammanmedu,
Kolathur, Chennai-99.

2. Shanmugasundaram @ Mahesh

...Petitioners

Vs.

T.Kannan

...Respondent

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment imposed on the petitioners herein dated 07.04.2021 made in CC.No.2777 of 2017 on the file of the XX Metropolitan Magistrate Court, Allikulam Complex, Chennai-3 confirmed in judgment dated 04.03.2024 made in Crl.A.No.102/2021 on the file of the XX Additional Sessions Court, City Civil Court, Chennai.

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For Petitioner : Mr.A.E.Ravichandran

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed on the petitioners herein dated 07.04.2021 made in CC.No.2777 of 2017 on the file of the XX Metropolitan Magistrate Court, Allikulam Complex, Chennai-3 confirmed in judgment dated 04.03.2024 made in Crl.A.No.102/2021 on the file of the XX Additional Sessions Court, City Civil Court, Chennai.

2. 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.80,00,000/- vide judgment in CC.No.2777 of 2017 dated 07.04.2021, which, appeal was confirmed by the appellate court in C.A.No.102 of 2021 dated 04.03.2024 by the learned XX Additional Sessions Judge, City Civil Court, Chennai. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.



3. 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.

4. Having regard to the fact that there are arguable points involved in the revision and further, the petitioner has come forward to pay the half of the fine amount, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. The sentence imposed by the Court below dated 07.04.2021 made in CC.No.2777 of 2017 on the file of the XX Metropolitan Magistrate Court, Allikulam Complex, Chennai-3 is suspended, subject to the following conditions :-

(a) The petitioner is directed to deposit a sum of Rs.40,00,000/- (Rupees Forty Lakhs only) in CC.No.2777 of 2017 on the



file of the XX Metropolitan Magistrate Court, Allikulam Complex, Chennai-3, within a period of four weeks from the date of receipt of copy of this order.

(b) The petitioner shall execute a bail bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned XX Metropolitan Magistrate Court, Allikulam Complex, Chennai-3. This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned XX Metropolitan Magistrate Court, Allikulam Complex, Chennai-3, on the first working day of the every English Calendar Month at 10.30 am, until further orders.

(d) If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference



WEB CODE

to this Court and the learned Magistrate, shall immediately issue non-bailable warrant and secure the petitioner to serve the sentence imposed against the petitioner.

6.This criminal miscellaneous petition is ordered accordingly.

12.04.2024
(2/2)

rli

Note: Issue order copy on 22.04.2024

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

To

- 1.The XX Metropolitan Magistrate Court, Allikulam Complex, Chennai-3
2. The XX Additional Sessions Court, City Civil Court, Chennai.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI, J.

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