



Crl.M.P.No.6403 of 2022  
in  
Crl.R.C.No.610 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.6403 of 2022  
in  
Crl.R.C.No.610 of 2022**

V.Mahesh Babu  
S/o.Venkatesh

... Petitioner

**Vs.**

S.Ramachandran  
S/o.Srinivasan  
Respondent

...

**PRAYER :** Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence imposed on the petitioner vide judgment dated 12.08.2021 passed in C.A.No.35 of 2020 on the file of the learned Additional District Judge, Hosur confirming the judgment dated 11.02.2020 passed in S.T.C.No.101 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Hosur and enlarge the petitioner on bail.



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For Petitioner : Mr.M.P.Saravanan

## ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 12.08.2021 passed in C.A.No.35 of 2020 by the learned Additional District Judge, Hosur, confirming the judgment dated 11.02.2020 passed in S.T.C.No.101 of 2017 by the learned Judicial Magistrate, Fast Track Court, Hosur 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 two years and to pay the compensation of Rs.15,00,000/- to the complainant vide judgment dated 11.02.2020 passed in S.T.C.No.101 of 2017, against which, appeal was filed in C.A.No.35 of 2020 before the learned Additional District Judge, Hosur and the same was



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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 S.T.C.No.101 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Hosur, 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, Hosur, 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 Court, the respondent / complainant is at liberty to*



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*approach the jurisdictional police authorities for taking  
action against the petitioner.*

6. The Criminal Miscellaneous Petition is ordered accordingly.

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(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,  
Hosur.
2. The learned Additional District Judge,  
Hosur.
3. The Public Prosecutor,  
Madras High Court,  
Madras.



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**M.DHANDAPANI, J.**

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