



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

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

Crl.M.P.No.7492 of 2024
in Crl.RC.No.831 of 2024

L.Anto Stalin

...Petitioner

Vs.

N.Baskaran

...Respondent

Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to pass an order of suspension of sentence of the order of conviction dated 19.01.2024 passed in C.A.No.132 of 2023 by the learned II Additional District and Session Judge, Vellore @ Ranipet and confirming the order of conviction dated 27.04.2023 passed in C.C.No.30 of 2021 by the learned Judicial Magistrate No.II, Walajahpet, pending disposal of the main Criminal Revision Case.

For Petitioner : Mr.A.Balasingh Ramanujam



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 19.01.2024 passed in C.A.No.132 of 2023 by the learned II Additional District and Sessions Judge, Vellore @ Ranipet, confirming the judgment dated 27.04.2023 passed in C.C.No.30 of 2021 by the learned Judicial Magistrate No.II, Walajahpet, 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 two months and to pay a compensation of Rs.6,50,000/- with an interest at the rate of 7% per annum under Section 357(3) Cr.P.C., from the date of dishonour within one month, in default of payment of the compensation, to undergo simple imprisonment of two weeks, vide judgment dated 27.04.2023 in C.C.No.30 of 2021, against which, appeal was filed in



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C.A.No.132 of 2023 before the learned II Additional District and Sessions Judge, Vellore @ Ranipet, 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 before filing the criminal revision case, the petitioner has deposited 20% of the cheque amount and 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 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 is



suspended on condition that the revision petitioner shall deposit 30% of the cheque amount to the credit of C.C.No.30 of 2021 on the file of the learned Judicial Magistrate No.II, Walajahpet, within a period of two weeks from the date of receipt of a copy of this order.

6. This Criminal Miscellaneous Petition is ordered accordingly.

05.06.2024
(2/2)

ssb

Note: Issue order copy on 06.06.2024

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



To
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- 1.The learned Judicial Magistrate No.II, Walajahpet.
2. The learned II Additional District and Session Judge, Vellore @ Ranipet.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

ssb

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