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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM:

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

Crl.M.P.Nos.7001 and 7002 of 2024
in Crl.RC.No.747 of 2024

K.Saravanan

...Petitioner

Vs.

Uthirakumar

...Respondent

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment imposed on the petitioner herein dated 29.02.2024 made in C.A.No.244 of 2022 on the file of the IV Additional District and Sessions Judge, Bhavani confirming the judgment dated 01.11.2022 made in STC. No.2674 of 2017 on the file of the learned Judicial Magistrate – I, Bhavani.

For Petitioner : Mr.R.Prabakar

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed on the petitioner herein dated 29.02.2024 made in C.A.No.244 of 2022 on the file of the IV Additional District and Sessions Judge, Bhavani confirming the judgment dated 01.11.2022 made in STC. No.2674 of 2017 on the file of the learned Judicial Magistrate – I, Bhavani.



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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 simple imprisonment and to pay a fine of Rs.6,00,000/- as compensation within a period of three months in default of payment of compensation amount, the accused is directed to undergo simple imprisonment for a period of one month and the same was confirmed by the appellate Court also. 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.e. Rs.3,00,000/- (Rupees Three lakhs only), I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.



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5. The sentence imposed by the Court below dated 01.11.2022 made in STC. No.2674 of 2017 on the file of the learned Judicial Magistrate Court No.I, Bhavani is suspended, subject to the following conditions :-

(a) The petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) in STC. No.2674 of 2017 on the file of the learned Judicial Magistrate, No.1, Bhavani, 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 Judicial Magistrate – I, Bhavani. 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 Judicial Magistrate-I, Bhavani, 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 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.The CrI.Mp.No.7001 of 2024 is ordered accordingly. However, this Court is not inclined to entertain the petition in CrI.MP.No.7002 of 2024 and the same stands closed.

29.04.2024
(2/2)

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Note: Issue order copy on 29.04.2024

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

To

- 1.The IV Additional District and Sessions Judge, Bhavani.
2. The Judicial Magistrate – I, Bhavani.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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