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*Crl.MP.No.7594 of 2024
in Crl.RC.No.881 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Crl.M.P.No.7594 of 2024

in

Crl.RC.No.881 of 2024

Kishore Nanwani

...Petitioner

-VS-

L.Govindarassu

...Respondent

Prayer:- Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence and grant bail to the petitioner in judgment passed in Crl.A.No.50/2022 dated 02.03.2024 on the file of the III Additional Sessions Judge at Puducherry by confirming the order passed in STC No.143/2013 dated 14.10.2022 by the Judicial Magistrate - II at Puducherry and acquit the revision petition and thus render justice.



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For Petitioner : Mr.G.V.Hariharan

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence and grant bail to the petitioner in judgment passed in Crl.A.No.50/2022 dated 02.03.2024 on the file of the III Additional Sessions Judge at Puducherry by confirming the order passed in STC No.143/2013 dated 14.10.2022 by the Judicial Magistrate - II at Puducherry and acquit the revision petition and thus render justice.

2. The petitioner/accused in the above Sessions Case, was convicted and sentenced as follows:

Offence under Section	Sentence imposed
138 of the NI Act	To undergo simple imprisonment for nine months and directed to pay a compensation of Rs.14,75,000/- along with 9% interest from 14.10.2022, in default to undergo simple imprisonment for three months.



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Sentences were ordered to run concurrently.

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3. Challenging the above conviction and sentence, the petitioner/ accused has filed the above petition and he seeks suspension of sentence and bail in the present petition.

4. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.

5. Heard Mr.G.V.Hariharan, the learned counsel for the petitioner.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) appearing for the respondent, this Court is of the view that the substantive sentence imposed on the petitioner by the Court below is suspended on condition that the petitioner shall pay 20% of the fine amount before the Judicial Magistrate – II, Puducherry on or before 30.05.2024. The petitioner is ordered to be enlarged on bail.

7. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment is suspended and the sentence imposed on the petitioner is suspended on the following conditions:

(i) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the Monday of every week at 10.30 a.m. until the disposal of the appeal and if he is not able to appear



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before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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skr
Speaking/Non-Speaking order
Neutral Citation: Yes/No

Issue order copy by .05.2024

Copy to

1. III Additional Sessions Judge, Puducherry
2. Judicial Magistrate – II, Puducherry
3. The Public Prosecutor, Madras High Court,
Chennai – 600 104.



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K.KUMARESH BABU, J.
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