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Crl.M.P.No.7676 of 2024
in Crl.R.C.No.896 of 2024

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K.KUMARESH BABU, J.

This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence of imprisonment imposed by the learned III Additional Sessions Judge (FAC) II Additional Sessions Court, City Civil Court, Chennai-104 vide judgment dated 22.04.2024 made in C.C.No.90 of 2013 and enlarge the petitioner on bail pending disposal of the above Revision.

2. By the said judgment, the petitioner was convicted for the offences under Section 138 of Negotiable Instruments Act, and was convicted under Section 255(2) Cr.P.C. and sentenced to undergo simple imprisonment for a period of one year, vide judgment dated 22.04.2024. Further the accused was directed to pay a compensation of Rs.10,60,000/- within one month to the complainant under Section 357(3) Cr.P.C. in default to undergo further period of three months simple imprisonment. The petitioner filed an appeal in C.A.No.336 of 2018, challenging the conviction and sentence by contending that, the respondent had not taken any steps to prove the very execution of the cheque. Against which, the present Revision is filed along with suspension of sentence petition.



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3. The learned counsel for the petitioner submitted that all the fine amounts imposed by the trial Court have been paid by the petitioner. He further submitted that the petitioner has relied upon certain documents before this Court. Therefore, he prays for grant of suspension of sentence to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent has opposed for grant of suspension of sentence to the petitioner.

5. Heard both sides.

6. The petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and grant of bail.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing for the parties, this Court is of the view that the sentences of imprisonment imposed on the petitioner, shall be suspended and bail is granted to the petitioner. Accordingly, pending disposal of the Criminal Revision, the substantive sentences of imprisonment



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alone are suspended and the petitioner shall be enlarged on bail on executing a 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 Metropolitan Magistrate (Fast Track Court No.II), Allikulam, Chennai. The petitioner is also directed to deposit 20% of the compensation amount to the credit of Crime number on or before 15.06.2024. The petitioner is further directed to appear before the said learned Judicial Metropolitan Magistrate (Fast Track Court No.II), Allikulam, Chennai, on the first working day of every month at 10.30 a.m. until further orders.

8. This petition is ordered accordingly.

09.05.2024
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Copy to :

The Judicial Metropolitan Magistrate
(Fast Track Court No.II)
Allikulam
Chennai.



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