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Crl.M.P.No.9452 of 2024
in
Crl.R.C.No.1120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P.No.9452 of 2024
in
Crl.R.C.No.1120 of 2024**

Ravindranatha Sharma
S/o.Viswanatha Iyer

... Petitioner

Vs.

Raveendranath

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Sections 389 and 439 of Criminal Procedure Code, to suspend the sentence imposed on the petitioner in Crl.A.No.396 of 2017 on the file of the learned XV Additional District and Sessions Judge, Chennai dated 30.11.2018 and enlarge the petitioner on bail, pending disposal of the main criminal revision petition.

For Petitioner	:	Mr.M.Sathya Kumar
For Respondent	:	Mr.S.Baskaran



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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 30.11.2018 passed in Crl.A.No.396 of 2017 by the learned XV Additional District and Sessions Judge, Chennai, confirming the judgment dated 22.11.2017 passed in C.C.No.13606 of 2008 by the learned Metropolitan Magistrate, Fast Track Court No.2, Allikulam, Egmore, Chennai 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 the period of one year and to pay a compensation of Rs.26,96,780/- within a period of one month, in default of payment of the compensation, to undergo simple imprisonment of three months, vide judgment dated 22.11.2017 in C.C.No.13606 of 2008, against which, appeal was filed in Crl.A.No.396 of 2017 before the learned XV Additional District



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and Sessions Judge, Chennai 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 petitioner submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. However, the petitioner is ready to compound the offence by paying the cheque amount. It is further submitted that apprehending arrest the present petition for suspension of sentence is filed. He further submitted that the petitioner has paid the entire cheque amount.

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.



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5. Accordingly, the Criminal Miscellaneous Petition is ordered and the substantive sentence of imprisonment alone as against the petitioner is hereby suspended on the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court No.2, Allikulam, Egmore, along 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.

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NCC : Yes / No
Index : Yes / No



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Speaking Order : Yes / No

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Note: Issue order copy by 03.07.2024

To

1. The Metropolitan Magistrate,
Fast Track Court No.2,
Allikulam,
Egmore.
2. The learned XV Additional District and Sessions Judge,
Chennai .
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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