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Crl.M.P.No.9477 of 2024
in
Crl.R.C.No.1124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P.No.9477 of 2024
in
Crl.R.C.No.1124 of 2024**

S.Karthikeyan

... Petitioner

Vs.

K.Senthilkumar

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 397 r/w. 482 of Criminal Procedure Code, to suspend the sentence imposed against the petitioner in C.C.No.1772 of 2021 on 15.02.2023 by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai, and the conviction and sentence was confirmed in C.A.No.185 of 2023 on 15.10.2023 by the learned VII Additional Sessions Judge, City Civil Court, Chennai and enlarge the petitioner on bail, pending disposal of the criminal revision case.



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For Petitioner : Mr.P.Pugalendhi
For Respondent : Mr.M.A.Muthalakan

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 15.10.2023 passed in C.A.No.185 of 2023 by the learned VII Additional Sessions Judge, City Civil Court, Chennai, confirming the judgment dated 15.02.2023 passed in C.C.No.1772 of 2021 by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, 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 a period of six months and to pay the cheque amount of Rs.18,00,000/- and also Rs.2,00,000/- as compensation, within a period of 30 days from the date of order, in default, to undergo simple imprisonment



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for a period of two months, against which, appeal was filed in C.A.No.185 of 2023 before the learned VII Additional Sessions Judge, City Civil Court, 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 revision petitioner would submit that before filing the criminal revision case, the petitioner has already given a sum of Rs.10,00,000/- to the respondent, out of the cheque amount of Rs.18,00,000/- and the petitioner is in jail.

4. The learned counsel appearing for the respondent submits that the respondent has received a sum of Rs.10,00,000/- from the petitioner and if the petitioner is ready to pay another sum of Rs.8,00,000/-, the respondent has no objection for compounding the offence.

5. 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



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hearing in the near future, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone as against the petitioner is hereby suspended on the following conditions:

(a) the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the respondent immediately and shall file a proof to that effect before the trial Court;

(b) 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.II, Egmore at Allikulam, 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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7. The Criminal Miscellaneous Petition is ordered accordingly.

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

ssb

Note: Issue order copy by 01.07.2024



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To

1. The learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam.
2. The learned VII Additional Sessions Judge, City Civil Court, Chennai.
- 3.The Superintendent, Central Prison-1, Puzhal, Chennai-66.



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M.DHANDAPANI, J.

ssb

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