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Crl.MP.No.8563 of 2024
in Crl.RC.No.SR25985 of 2024

M.DHANDAPANI, J.

Dispense with petition is
ordered.

18.06.2024

rli



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

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

Crl.M.P.No.5819 of 2024

in

Crl.RC.No.619 of 2024

M.Manoharan

...Petitioner

Vs.

V.Sathiyavani

...Respondent

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment imposed in Criminal Appeal in C.A.No.43 of 2019 dated 21.12.2023 on the file of III Additional District and Sessions Judge, Vellore at Tirupattur, confirming the conviction and sentence made in STC.No.55 of 2017 dated 02.04.2019 on the file of Judicial Magistrate No.I, Tirupattur.

For Petitioner : Mr.M.Sivavarthanan



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ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed in Criminal Appeal in C.A.No.43 of 2019 dated 21.12.2023 on the file of III Additional District and Sessions Judge, Vellore at Tirupattur and enlarge the petitioner on bail pending disposal of the above criminal appeal.

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 one year and to pay a fine of Rs.3,00,000/- vide judgment in STC.No.55 of 2017 dated 02.04.2019, which, appeal was confirmed by the appellate court in C.A.No.43 of 2019 dated 21.12.2023 by the III Additional District and Sessions Judge, Vellore at Tirupattu. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.



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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 revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended on the revision petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty thousand only) to the credit of the STC No.____ within a period of two weeks from the date of receipt of a copy of this order.

7.This criminal miscellaneous petition is ordered accordingly.



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

To

- 1.The V Additional Sessions Judge,
Chennai.
- 2.The Inspector of Police,
E-3, Teynampet Police Station,
Chennai 606 006.
(Crime No.1173 of 2012)
- 3.The Central Prison,
Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

M.DHANDAPANI, J.

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02.04.2024
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Crl.M.P.No.5819 of 2024
in
Crl.RC.No.619 of 2024
(2/3)

02.04.2024



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Crl.MP.No.5821 of 2024

in

Crl.RC.No.619 of 2024

M.DHANDAPANI, J.

The present miscellaneous petition has been filed seeking to exempt the petitioner from surrendering pursuant to the judgment in Crl.A.No.43 of 2019 dated 21.12.2023 on the file of III Additional District and Sessions Judge, Vellore at Tirupattur, confirming the conviction and sentence made in STC.No.55 of 2017 dated 02.04.2019 on the file of Judicial Magistrate No.I, Tirupattur.

2. Heard both sides.

3. In view of the fact that this Court had granted suspension of sentence on certain conditions, subject to fulfilment of the said condition, there would arise no necessity for the petitioner to surrender. Therefore, this petition is closed.

02.04.2024

(3/3)

skt