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Crl.M.P.No.10755 of 2024
in Crl.R.C.No.1240 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **31.07.2024**

CORAM:

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

Crl.M.P.No.10755 of 2024

in

Crl.R.C.No.1240 of 2024

M.Sundaraj

... Petitioner

Vs.

G.Janaki Raman

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Sections 389 of Criminal Procedure Code, praying to suspend the sentence imposed against the petitioner in the judgment dated 11.08.2022 in Crl.A.No.416 of 2017 passed by the VII Additional District and Sessions Judge, Chennai, confirming the judgment dated 06.06.2017 in C.C.No.15241 of 2014 passed by the Metropolitan Magistrate, Fast Track Court, No.II, Egmore at Allikulam, Chennai and enlarge the petitioner on bail.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.Durai Kannan

ORDER

The petitioner has filed the Criminal Miscellaneous petition to suspend the sentence in C.A.No.416 of 2017 dated 11.08.2022 on the file of the VII Additional District & Sessions Judge, Chennai confirming the judgment passed by the Metropolitan Magistrate, FTC-II, Egmore at Allikulam, Chennai in CC.



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No.15241 of 2014 dated 06.06.2017 and enlarge the petitioner on bail.

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2. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.6,00,000/- as compensation, in default, to undergo SI for three months. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.

3. The learned counsel for the petitioner submit that the amount involved in this case is Rs.3 lakhs. Till date, the petitioner has already paid a sum of Rs.2,60,000/- to the respondent on two occasions. At present, he is ready to pay the remaining cheque amount of Rs.40,000/- to the respondent. Hence, the learned counsel prays that this Court may compound the alleged offence.

4. The respondent has not raised any objection in this regard.

5. In view of the consent view expressed by the learned counsel for either parties, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.



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6. The sentence imposed by the Court below dated 11.08.2022 made in C.A.No.416/2017 on the file of the learned VII Additional District and Sessions Judge, Chennai is suspended, subject to the following conditions :-

"The petitioner shall execute a bail 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 Metropolitan Magistrate, FTC-II, Egmore at Allikulam, Chennai."

7. This petition is ordered accordingly.

8. The learned counsel for either parties shall ensure the presence of the petitioner and the respondent before this Court on 02.08.2024 and the petitioner is directed to appear before this Court along with DD for a sum of Rs.40,000/-.
Post the main case on 02.08.2024.

31.07.2024

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M.DHANDAPANI, J.

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To

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

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