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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.06.2024

CORAM:

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

Crl.M.P.No.8504 of 2024
in Crl.RC.No.1005 of 2024

T.Veludhas

...Petitioner

Vs.

J.Nadarajan

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code praying to suspend the sentence in STC. No.197 of 2022 on the file of the Judicial Magistrate, Sankarapuram dated 06.01.2024 confirmed in CA.No.39 of 2024 on the file of the Principal District and Session Judge, Kallakurichi dated 15.04.2024 and enlarge the petitioner/accused on bail.

For Petitioner : Mr.D.Jayasingh

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence in STC. No.197 of 2022 on the file of the Judicial Magistrate, Sankarapuram dated 06.01.2024 confirmed in CA.No.39 of 2024 on the file of the Principal District and Session Judge, Kallakurichi dated 15.04.2024 and enlarge the petitioner/accused 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 simple imprisonment for a period of six months simple imprisonment and to pay a fine of Rs.9,00,000/- as compensation. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.

3. The learned counsel for the appellant submit that there are lot of material contradictions in the evidence of the respondent and the same is 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. However, the petitioner is ready to pay 50% of the fine amount in the credit of the case before the lower Court.

4. Having regard to the fact that there are arguable points involved in the revision and further, the petitioner has come forward to pay 50% of the fine amount, I am of the considered opinion that the revision



petitioner is entitled for the relief of suspension of sentence.

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5. The sentence imposed by the Court below dated 15.04.2024 made in C.A.No.39/2024 on the file of the learned Principal District and Sessions Judge, Kallakurichi is suspended, subject to the following conditions :-

"(a) The petitioner is directed to deposit 50% of the cheque amount in STC.No.197/2022 on the file of the learned Judicial Magistrate, Sankarapuram within a period of four weeks from the date of receipt of copy of this order.

(b) 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 Judicial Magistrate, Sankarapuram, This bail bond shall be entertained only after the deposit of the money specified in clause (a).



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(c) *The petitioner shall appear before the learned Judicial Magistrate, Sankarapuram, on the first working day of the every English Calendar Month at 10.30 am, until further orders; and*

(d) *If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned Magistrate, shall immediately issue non-bailable warrant and secure the petitioner to serve the sentence imposed against the petitioner."*

6. This petition is ordered accordingly.

18.06.2024
(2/2)



WEB COPY **Note: Issue order copy on 19.06.2024**

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

To

1. The Judicial Magistrate, Sankarapuram.
2. The Principal District and Sessions Judge, Kallakurichi.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

rli

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