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Crl.M.P.No.10262 of 2024
in
Crl.R.C.No.1204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.10262 of 2024
in
Crl.R.C.No.1204 of 2024

S.Murugesan

... Petitioner

Vs.

M.Selvakumar

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence imposed on the petitioner in C.A.No.16 of 2019 on the file of the learned Principal District and Sessions Judge, Dharmapuri, dated 10.03.2022, confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Dharmapuri, in C.C.No.23 of 2017 dated 17.06.2019 and enlarge the petitioner on bail, pending disposal of the above criminal revision.



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For Petitioner : Mr.N.Manoharan
For Respondent : Mr.P.M.Jayachandran

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 10.03.2022 passed in C.A.No.16 of 2019 by the learned Principal District and Sessions Judge, Dharmapuri, confirming the judgment dated 17.06.2019 passed in C.C.No.23 of 2017 by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Dharmapuri, 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 eight months and to pay the cheque amount of Rs.3,70,000/-, in default, to undergo simple imprisonment for a period of one month, vide judgment dated 17.06.2019 passed in C.C.No.23 of 2017,



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against which, appeal was filed in C.A.No.16 of 2019 before the learned Principal District and Sessions Judge, Dharmapuri, 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 the petitioner has already given a sum of Rs.1,00,000/- to the complainant and agreed to pay another sum of Rs.1,00,000/- and 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 the petitioner is 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 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 and he is directed to be released on bail on the following conditions:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.23 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Dharmapuri, on or before 30.07.2024.

(b) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Dharmapuri, along with two sureties for a like sum;



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(c) the petitioner shall report before the Court

*below on the first working day of every month at
10.30 a.m., until further orders.*

6. Post the main case on **31.07.2024**.

23.07.2024
(2/2)

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

Note: Issue order copy by 23.07.2024

To

1. The learned Judicial Magistrate, Fast Track Court (Magisterial Level), Dharmapuri.
2. The learned Principal District and Sessions Judge, Dharmapuri.
3. The Superintendent,
Central Prison, Salem.



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M.DHANDAPANI, J.

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(2/2)**