



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

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

Crl.M.P.No.14210 of 2023
in Crl.RC.No.1550 of 2023

R.Muthu

...Petitioner

Vs.

K.Selvamani

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code praying to suspend imposed on the petitioner by judgment dated 04.07.2023 and made in Crl.Appeal No.295/2022 on the file of the XXIth Additional Sessions Judge, Chennai modifying the judgment passed by the learned Metropolitan Magistrate Court, Egmore, Allikulam, Chennai-3 in CC.No.5281/2016 dated 14.10.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

For Petitioner : Mr.K.Raja

For Respondent : Mr.A.Nagarajan

ORDER

This Criminal Miscellaneous petition has been filed to suspend imposed on the petitioner by judgment dated 04.07.2023 and made in Crl.Appeal No.295/2022 on the file of the XXIth Additional Sessions Judge, Chennai



modifying the judgment passed by the learned Metropolitan Magistrate Court,

Egmore, Allikulam, Chennai-3 in CC.No.5281/2016 dated 14.10.2022.

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.5,00,000/- as compensation with 6% interest. 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. The learned counsel for the respondent has vehemently opposed for



grant of anticipatory bail.

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5. 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.

6. The sentence imposed by the Court below dated 04.07.2023 made in C.A.No.295/2022 on the file of the learned XXI Additional Sessions Judge, Chennai is suspended, subject to the following conditions :-

"(a) The petitioner is directed to deposit 50% of the cheque amount in C.C.No.5281 of 2016 on the file of the learned XX Metropolitan Magistrate, Egmore, Allikulam, Chennai, within a period of eight 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



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each for a like sum to the satisfaction of the learned XX

Metropolitan Magistrate, Egmore, Allikulam, Chennai, This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned XX Metropolitan Magistrate, Egmore, Allikulam, Chennai, 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."



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7. This petition is ordered accordingly.

18.06.2024
(2/2)

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Note: Issue order copy on 19.06.2024

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

To

1. The XX Metropolitan Magistrate, Chennai
2. The XXI Additional Sessions Judge, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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