



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.07.2024

CORAM:

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

Crl.M.P.No.16385 of 2023
in Crl.RC.No.1715 of 2023

A.S.Chandrasekar @ Chandru

...Petitioner

Vs.

A.L.Sivakumar (Died)
S.Sudha

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code praying to suspend the sentence awarded to the petitioner vide judgment dated 07.01.2020 in STC. No. 307 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Arcot confirmed vide judgment dated 26.06.2023 made in CA.No.6/2020 on the file of the learned II Additional District and Sessions Judge, Vellore at Ranipet.

For Petitioner : Mr.T.P.Prabakaran

For Respondent : Mr.Sadhananthan

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence awarded to the petitioner vide judgment dated 07.01.2020 in STC. No. 307 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Arcot confirmed vide judgment dated 26.06.2023 made



WEB COURT

in CA.No.6/2020 on the file of the learned II Additional District and Sessions Judge, Vellore at Ranipet.

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.2000/- as compensation, in default, to undergo SI for two 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 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 cheque 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.

5. The sentence imposed by the Court below dated 26.06.2023 made in C.A.No.6 of 2020 on the file of the learned II Additional District and Sessions Judge, Vellore @ Ranipet is suspended, subject to the following conditions :-

"(a) The petitioner is directed to deposit 50% of the cheque amount in STC. No.307 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Arcot 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 District Munsif cum Judicial Magistrate, Arcot. This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the



WEB COPY

*learned District Munsif cum Judicial Magistrate, Arcot,
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.

22.07.2024
(2/2)

Note: Issue order copy on 24.07.2024

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



To
WEB COPY

1. The *District Munsif cum Judicial* Magistrate, Arcot
2. The II Additional District and Sessions Judge, Vellore
at Ranipet.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



WEB COPY



M.DHANDAPANI, J.

rli

Crl.M.P.No.16385 of 2023
in Crl.RC.No.1715 of 2023

22.07.2024