



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

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

Crl.M.P.No.7512 of 2024
in Crl.RC.No.837 of 2024

1.B.Jayanthi
2.D.Babu

...Petitioners

Vs.

Yesudoss

...Respondent

Criminal Miscellaneous Petition filed under Section 389 of Criminal Procedure Code praying to suspend the conviction and sentence awarded to the petitioners vide judgment dated 04.09.2019 made in C.C.No.231 of 2011 on the file of the Court of Judicial Magistrate, Arakkonam, Vellore District, which was confirmed vide judgment dated 25.02.2022 made in C.A.No.96 of 2019 on the file of the Court of II Additional District and Sessions Court, Ranipet, Vellore District, pending disposal of the case.

For Petitioners : Mr.T.P.Prabakaran



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioners vide judgment dated 25.02.2022 passed in C.A.No.96 of 2019 by the learned II Additional District and Sessions Judge, Ranipet, Vellore District, confirming the judgment dated 04.09.2019 passed in C.C.No.231 of 2011 by the learned Judicial Magistrate, Arakkonam, Vellore District, pending disposal of the criminal revision case and enlarge the petitioners on bail.

2. The petitioners were convicted for the offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment of one month, vide judgment dated 04.09.2019 in C.C.No.231 of 2011, against which, appeal was filed in C.A.No.96 of 2019 before the learned II Additional District and Sessions Judge, Ranipet, Vellore District, and the same was dismissed. Aggrieved by the same, the revision petition has been filed along with the present petition



to suspend the sentence.

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3. The learned counsel for the revision petitioners submitted that 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 apprehending arrest the present petition for suspension of sentence is filed and the petitioners are not 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 petitioners are entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the revision petitioners shall deposit a sum of Rs.2,00,000/-(Rupees Two Lakhs only) jointly to the credit of C.C.No.231 of 2011 on the file of the learned Judicial Magistrate, Arakkonam, within a period of two weeks from the date of receipt of a copy

3/6



of this order.

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6. This Criminal Miscellaneous Petition is ordered accordingly.

05.06.2024
(2/2)

ssb

Note: Issue order copy on 06.06.2024

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



To
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1. The learned Judicial Magistrate, Arakkonam, Vellore District.
2. The II Additional District and Sessions Court, Ranipet, Vellore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

ssb

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05.06.2024
(2/2)