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Crl.M.P.No.8875 of 2024
in
Crl.R.C.No.1044 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.8875 of 2024
in
Crl.R.C.No.1044 of 2024

T.Vijaya Prabhu

... Petitioner

Vs.

S.Srinivasan

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 389(i) of Criminal Procedure Code, to suspend the order of sentence and conviction in S.T.C.No.470 of 2014 passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur, dated 17.04.2015 and confirmed in C.A.No.43 of 2015 by the learned Principal Session Judge, Tiruvallur and enlarge the petitioner on bail during pending of the criminal revision petition.

For Petitioner : Mr.M.Gnanasekar

ORDER



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The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 09.06.2023 passed in C.A.No.43 of 2015 by the learned Principal Sessions Judge, Tiruvallur, confirming the judgment dated 17.04.2015 passed in ST.C.No.470 of 2014 by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur, 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 the period of six months and to pay a fine of Rs.15,00,000/-, vide judgment dated 17.04.2015 passed in ST.C.No.470 of 2014, against which, appeal was filed in C.A.No.43 of 2015 before the learned Principal Session Judge, Tiruvallur, 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 petitioner would submit that the petitioner has already deposited a sum of Rs.5,00,000/- 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 apprehending arrest, the present petition for suspension of sentence is filed.

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.

5. Accordingly, the substantive sentence of imprisonment alone as against the petitioner is hereby suspended on the following conditions:

(a) the petitioner shall deposit a sum of



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Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only)
to the credit of S.T.C.No.470 of 2014 on the file of the
learned Judicial Magistrate, Fast Track Court
(Magisterial Level), Ambattur, within a period of four
weeks from the date of receipt of a copy of this order.

(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), Ambattur, along with
two sureties for a like sum;

(c) the Petitioner shall report before the Court
below on the first working day of every month at
10.30 AM, until further orders.

6. The Criminal Miscellaneous Petition is ordered accordingly.



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

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Note: Issue order copy by 24.06.2024

To

1. The learned Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur.
2. The learned Principal Session Judge, Tiruvallur.
3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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**21.06.2024
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