



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

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

Crl.M.P.Nos.7521 and 7522 of 2024
in Crl.RC.No.839 of 2024

K.Devan

...Petitioner in both petitions

Vs.

Chakkaravarthi
petitions

...Respondent in both

Prayer in Crl.M.P.No.7521 of 2024: Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to exempt the petitioner from surrendering in connection with his conviction judgment under Sections 138 and 142 of Negotiable Instruments Act in C.A.No.117 of 2018 on the file of the learned III Additional Sessions Judge, Vellore @ Tirupattur, dated 14.02.2020 modifying the sentence confirmed the compensation amount of Rs.3,00,000/- within one month in S.T.C.No.160 of 2017 of the learned Judicial Magistrate No.1, Tirupattur, Vellore District, dated 18.07.2018 convicting and sentencing him for the offence under Section 138 of Negotiable Instruments Act, to undergo simple imprisonment for one year with orders for payment of compensation amount of Rs.3,00,000/- to the complainant within one month and IDSI for three



months, pending disposal of the revision case.

Prayer in Crl.M.P.No.7522 of 2024: Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code praying to suspend the sentence imposed on the petitioner under Sections 138 and 142 of Negotiable Instruments Act in C.A.No.117 of 2018 on the file of the learned III Additional Sessions Judge, Vellore @ Tirupattur, dated 14.02.2020 modifying the sentence confirmed the compensation amount of Rs.3,00,000/- within one month in S.T.C.No.160 of 2017 of the learned Judicial Magistrate No.1, Tirupattur, Vellore District, dated 18.07.2018 convicting and sentencing him for the offence under Section 138 of Negotiable Instruments Act, to undergo simple imprisonment for one year with orders for payment of compensation amount of Rs.3,00,000/- to the complainant within one month and IDSI for three months, pending disposal of the revision case.

In both petitions

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mr.V.Purushothaman

COMMON ORDER

Crl.M.P.No.7522 of 2024 has been filed to suspend the sentence of imprisonment imposed on the petitioner in C.A.No.117 of 2018 vide judgment dated 14.02.2020 passed by the learned III Additional Sessions



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Judge, Vellore @ Tirupattur, confirming the conviction and sentence made in STC.No.160 of 2017 vide judgment dated 18.07.2018 by the learned Judicial Magistrate No.1, Tirupattur, Vellore District.

2. CrI.M.P.No.7521 of 2024 has been filed seeking to exempt the petitioner from surrendering before the learned III Additional Sessions Judge, Vellore @ Tirupattur, in connection with conviction made in C.A.No.117 of 2018 vide judgment dated 14.02.2020, confirming the conviction and sentence made in STC.No.160 of 2017 vide judgment dated 18.07.2018 by the learned Judicial Magistrate No.1, Tirupattur, Vellore District.

3. The revision petitioner was convicted for the offence under Sections 138 and 142 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one year with orders for payment of compensation of Rs.3,00,000/- within one month, in default, to undergo simple imprisonment for three months, vide judgment dated 18.07.2018 made in STC.No.160 of 2017, which, appeal was confirmed by the appellate



court in C.A.No.117 of 2018 vide judgment dated 14.02.2020 by the learned

III Additional Sessions Judge, Vellore @ Tirupattur. Aggrieved by the same, the revision has been filed along with the present petitions.

4. The learned counsel for the petitioner would submit 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 petitions for suspension of sentence and exempting the petitioner from surrendering before the Court below are filed and the petitioner is not in jail.

5. 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 revision petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the revision petitioner shall deposit a sum of



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Rs.1,50,000/-(Rupees One Lakh Fifty thousand only) to the credit of the
STC No.160 of 2017 on the file of the learned Judicial Magistrate No.1,
Tirupattur, Vellore District, within a period of two weeks from the date of
receipt of a copy of this order.

7. Crl.MP.No.7522 of 2024 is ordered accordingly. However, this
Court is not inclined to exempt the petitioner from surrendering before the
Court below. Hence, Crl.MP.No.7521 of 2024 is dismissed.

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 No.1, Tirupattur, Vellore District.
2. The learned III Additional Sessions Judge, Vellore @ Tirupattur.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

ssb

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