



Crl.M.P.No.8787 of 2024
in
Crl.R.C.No.1036 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.8787 of 2024
in
Crl.R.C.No.1036 of 2024

C.Thangaraj

... Petitioner

Vs.

N.Sathyamoorthy

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 389 of Criminal Procedure Code, to suspend the sentence imposed in C.C.No.157 of 2013 dated 28.04.2018 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, confirmed in C.A.No.205 of 2018 on the file of the III Additional District and Sessions Judge, Coimbatore and enlarge him on bail.

For Petitioner : Mr.C.Deivasigamani



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ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 20.01.2022 passed in C.A.No.205 of 2018 by the learned III Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 28.04.2018 passed in C.C.No.157 of 2013 by the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, 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 one year and to pay the cheque amount of Rs.2,00,000/- along with interest at the rate of 6% per annum from the date of cheque as compensation within a period of one month, in default to pay the compensation amount, to undergo simple imprisonment for the period of three months, vide judgment dated 28.04.2018 passed in C.C.No.157 of



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2013, against which, appeal was filed in C.A.No.205 of 2018 before the learned III Additional District and Sessions Judge, Coimbatore, and the same was dismissed. Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.

3. The learned counsel for the revision 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 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.



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

(a) the petitioner shall deposit 50% of the cheque amount to the credit of C.C.No.157 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, 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 at Magisterial Level-II, Coimbatore, 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.



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6. The Criminal Miscellaneous Petition is ordered accordingly.

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

ssb

Note: Issue order copy by 24.06.2024

To

1. The learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore.
2. The learned III Additional District and Sessions Judge, Coimbatore
3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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