



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.08.2024

CORAM:

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

Crl.M.P.No.18948 and 18949 of 2023
in Crl.RC.No.2059 of 2023

Radha Narayanasamy

...Petitioner

Vs.

A.M.Manoj

...Respondent

Crl.MP.No.18948 of 2024: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to suspend the sentence imposed on the petitioner by the learned Metropolitan Magistrate, FTC at Magisterial Level-IV George Town, Chennai in CC.No.148 of 2018 dated 10.03.2020 confirmed by the learned XXII Additional City Civil Court at Allikulam Chennai in C.A.No.98 of 2020 dated 23.06.2023 and enlarge the petitioner on bail.

Crl.MP.No.18536 of 2024: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code praying to exemption of surrendering to the petitioner/accused in pursuance to the order passed by the learned XXII Additional City Civil Court at Allikulam Chennai in C.A.No.98 of 2020 dated 23.06.2023 confirming the order passed by the learned Metropolitan Magistrate, FT at Magisterial Level-IV, GT, chennai in CC.No.148 of 2018 by order dated 10.03.2020.



For Petitioner : Mr.Simon Jeyakumar
For M/s. S.K.Kannadasan
For Respondent : No appearance

ORDER

The Criminal Miscellaneous petition has been filed to suspend the sentence imposed on the petitioner by the learned Metropolitan Magistrate, FTC at Magisterial Level-IV Geroqe Town, Chennai in CC.No.148 of 2018 dated 10.03.2020 confirmed by the learned XXII Additional City Civil Court at Allikulam Chennai in C.A.No.98 of 2020 dated 23.06.2023 and enlarge the petitioner on bail.

2. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.12,15,000/- as compensation, in default, to undergo imprisonment for two months. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.



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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 cheque 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 23.06.2023 made in Crl.A.No.98 of 2020 on the file of the learned XXII Additional City Civil Court, Allikulam, Chennai is suspended, subject to the following conditions :-

"(a) The petitioner is directed to deposit

50% of the cheque amount in CC.No.148 of 2018 on the



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file of the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai within a period of two 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 Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai . This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai on the first working day of the every English Calendar Month at 10.30 am, until further orders; and



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(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. CrI.MP.No.18948 of 2023 is ordered accordingly. However, this Court is inclined to reject the petition in CrI.MP.No.18949 of 2023 and the same is dismissed.

01.08.2024
(2/2)

Note: Issue order copy on 02.08.2024

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

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M.DHANDAPANI, J.

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To

1. The *Metropolitan* Magistrate,
Fast Track Court at Magisterial Level-IV, George Town, Chennai
2. The XXII Additional City Civil Court, Allikulam
Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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