



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.06.2024

CORAM:

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

Crl.M.P.No.7362 of 2024
in Crl.RC.No.804 of 2024

P.Ramamoorthy

...Petitioner

Vs.

1.T.Nagaraj

2.The State Represented by
The Public Prosecutor,
The Nilgiris District.

...Respondents

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment imposed in the judgment dated 26.07.2023 passed in Crl.A.No.63 of 2019 by the learned Sessions Judge, Magalir Neethimandram (FTMC) at Udhagamandalam, The Nilgiris, confirming the judgment dated 11.07.2019 passed in S.T.C.No.471 of 2017 by the Judicial Magistrate, Udhagamandalam, pending disposal of the criminal revision case and enlarge the petitioner on bail.



For Petitioner : Mr.D.J.Adinarayanan
For R2 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner vide judgment dated 26.07.2023 passed in Crl.A.No.63 of 2019 by the learned Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam, The Nilgiris, confirming the judgment dated 11.07.2019 passed in S.T.C.No.471 of 2017 by the learned Judicial Magistrate, Udthagamandalam, pending disposal of the criminal revision case and enlarge the petitioner on bail.

2. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.3,00,000/- vide judgment in STC.No.471 of 2017 dated 11.07.2019, against which, appeal was filed in Crl.A.No.63 of 2019 before the learned Sessions Judge,



Magalir Neethimandram (FTMC), Udhagamandalam,

The Nilgiris,

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

5. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the revision petitioner shall deposit a sum of Rs.1,50,000/-(Rupees One Lakh Fifty thousand only) to the credit of the



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STC No.471 of 2017 on the file of the learned Judicial Magistrate,
Udhagamandalam within a period of two weeks from the date of receipt of a
copy of this order.

6. This Criminal Miscellaneous Petition is ordered accordingly.

03.06.2024
(2/2)

ssb

Note: Issue order copy on 03.06.2024

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



To
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1. The Sessions Judge, Magalir Neethimandram, (FTMC),
Udhagamandalam, The Nilgiris.
2. The Judicial Magistrate , Udhagamandalam.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

ssb

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