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Crl.M.P.No.813 of 2024
in
Crl.R.C.No.96 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P.No.813 of 2024
in
Crl.R.C.No.96 of 2024**

Ragahavan Naidu

... Petitioner

Vs.

M/s.Mansi Finance (Chennai) Limited,
Rep.by its Manager/Authorized Agent,
Mr.A.Ramesh

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 438 of Criminal Procedure Code, to suspend the sentence affirmed on 22.08.2023 in C.A.No.156 of 2022 by the learned XX Additional Sessions Judge, City Civil Court, Chennai, confirming the sentence passed in C.C.No.1529 of 2018 dated 06.07.2022 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai-1, pending disposal of the above appeal.



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For Petitioner : Mr.R.Hariharan

For Respondent : Mr.V.Babu

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 22.08.2023 passed in C.A.No.156 of 2022 by the learned XX Additional Sessions Judge, City Civil Court, Chennai, confirming the judgment dated 06.07.2022 passed in C.C.No.1529 of 2018 by the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai-1, 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 Instruments Act, 1881 and sentenced to undergo simple imprisonment for a period of two months and to pay the compensation of Rs.7,50,000/- to the complainant within a period of one month from today,



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vide judgment dated 06.07.2022 passed in C.C.No.1529 of 2018, against which, appeal was filed in C.A.No.156 of 2022 before the learned XX Additional Sessions Judge, City Civil Court, Chennai, 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.1529 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai-1, 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 Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai-1, 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

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Note: Issue order copy by 03.07.2024

To

1. The learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai-1.
2. The learned XX Additional Sessions Judge, City Civil Court, Chennai.
3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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