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Crl.M.P.No.841 of 2024
in
Crl.R.C.No.100 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.841 of 2024
in
Crl.R.C.No.100 of 2024

S.Srinivasa Karthick

... Petitioner

Vs.

K.Ravichandran
Respondent

...

PRAYER : Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence imposed on the petitioner vide judgment dated 12.10.2023 passed in C.A.No.110 of 2020 on the file of the Principal Sessions Court, Erode District, confirming the judgment dated 01.10.2020 passed in S.T.C.No.498 of 2018 on the file of the Judicial Magistrate, Fast Track Court-II, Erode District and enlarge the petitioner on bail.

For Petitioner

:

Mr.J.Titus Enock



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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 12.10.2023 passed in C.A.No.110 of 2020 by the learned Principal Sessions Judge, Erode, confirming the judgment dated 01.10.2020 passed in S.T.C.No.498 of 2018 by the learned Judicial Magistrate, Fast Track Court-II, Erode, 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 one year and to pay the compensation of Rs.4,80,000/- to the complainant within a period of two months from the date of judgment, vide judgment dated 01.10.2020 passed in S.T.C.No.498 of 2018, against which, appeal was filed in C.A.No.110 of 2020 before the



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learned Principal Sessions Judge, Erode, 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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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 03.07.2024

To

1. The learned Judicial Magistrate, Fast Track Court-II, Erode.
2. The learned Principal Sessions Judge, Erode.
3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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