



*Crl.M.P.No.3055 of 2025
in Crl.RC.No.325 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.3055 of 2025
in Crl.R.C.No.325 of 2025

Penupothu Rambabu

... Petitioner

Vs.

1.The State

Rep. By S.H.O, Yanam Police Station,
Through Public Prosecutor,
Puducherry.

2.Sangani Tata Rao

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence passed against the petitioner herein in Crl.A.No.35 of 2018 dated 18.01.2023 by the learned III Additional Sessions Judge at Puducherry confirming the sentence passed in S.T.C.No.109 of 2017 dated 16.06.2018 by the learned Judicial Magistrate, Yanam and enlarge the petitioner on bail pending disposal of the above revision.



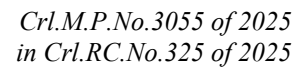
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For Petitioner : Ms.Rajeni Ramadass
For R1 : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
For R2 : Mr.Sangani Tata Rao
(Party-in-Person)

ORDER

The petitioner/accused in S.T.C.No.109 of 2017 was convicted by the learned Judicial Magistrate, Yanam by judgment dated 16.06.2018 and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.60,000/- being twice the cheque amount. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.35 of 2018. The learned III Additional Sessions Judge, Puducherry by judgment dated 18.01.2023 dismissed the appeal confirming the conviction and sentence imposed by the Trial Court. Against which, the present revision and suspension of sentence petition filed.

2.The contention of the learned counsel appearing for the petitioner is that the petitioner borrowed a sum of Rs.30,000/- from the



3.Today [19.02.2025], the respondent/complainant is present. On
 ction, the respondent admitted the receipt of Rs.78,000/-, issuance of



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receipt dated 02.01.2024 and withdrawal of the civil suit in O.S.No.4 of 2019. A memo was filed by the respondent/complainant to this effect. In view of the above, this Court finds that the detention of the petitioner in the Sub Jail, Yanam is not proper.

4.Further, the respondent/complainant is ready to file a compounding petition and he has already signed in the compounding petition. Since the petitioner is in prison, his signature could not be obtained.

5.Accordingly, the miscellaneous petition is ordered and the Substantive Sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the revision case and he is ordered to be released on bail forthwith on condition that he shall execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) before the Jail Superintendent, Sub Jail, Yanam.

6.This Court appreciates Mr.D.Prasanna Kumar, learned counsel for the service rendered by him by interacting with the respondent/complainant, who was only conversant with Telugu.



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7.Post the main criminal revision on 26.02.2025

19.02.2025

cse

Note: Issue order copy on 20.02.2025.

To

- 1.The III Additional Sessions Judge,
Puducherry.
- 2.The Judicial Magistrate,
Yanam.
- 3.The Station House Officer,
Yanam Police Station.
- 4.The Public Prosecutor,
Puducherry.
- 5.The Superintendent,
Sub Jail, Yanam.



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M. NIRMAL KUMAR, J.

cse

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