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*Crl.M.P.No.380 of 2023 in
Crl.R.C.No.66 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.380 of 2023 in
Crl.R.C.No.66 of 2023**

K. Pradeep

... Petitioner

Vs.

V. Ananthan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 r/w 439 of Cr.P.C. to suspend the sentence of imprisonment passed in S.T.C.No. 46 of 2016 by the learned Fast Track Judicial Magistrate, Coonoor dated 20.04.2018 confirmed in C.A.No.82 of 2018 by the learned Sessions Judge of the Nilgiris at Udhagamandalam, dated 31.03.2022 and enlarge him on bail, pending disposal of Criminal Revision Petition.

For Petitioner : Mr.T.R.Sivaraman for K.V. Sridharan



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ORDER

This petition has been filed to suspend the sentence of imprisonment passed in S.T.C.No. 46 of 2016 by the learned Fast Track Judicial Magistrate, Coonoor dated 20.04.2018 confirmed in C.A.No.82 of 2018 by the learned Sessions Judge of the Nilgiris at Udthagamandalam, dated 31.03.2022 and enlarge him on bail, pending disposal of Criminal Revision Petition.

2. The petitioner is an accused in STC No. 46 of 2016 vide order dated 20.04.2018, convicted the accused under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for six months and to pay the cheque amount of Rs.1,00,000/- as compensation to the complainant under Section 357(3) of Cr.P.C in default to undergo one month simple imprisonment. Challenging the above Judgment, the petitioner preferred an appeal in Crl.A.No.82 of 2018, and the same was confirmed by the learned Sessions Judge, The Nilgiris of Udthagamandaman vide order dated 31.03.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and the first Appellate Court, the petitioner is before this Court.



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4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

6. Taking into consideration the above submission of the learned counsel appearing for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his *executing a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned*



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Fast Track Judicial Magistrate, Coonoor.

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The petitioner shall appear before the Trial Court as and when required.

11.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
smn

To

1. The Fast Track Judicial Magistrate, Coonoor



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2. The Sessions Judge of the Nilgiris at Udhagamandalam,

3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**11.01.2023
(1/2)**