

Crl.M.P.No.10315 of 2016
in
Crl.R.C.No.1166 of 2016

G.CHOCKALINGAM, J.,

The petitioner, who was convicted and sentenced to undergo simple imprisonment of one year and imposed a fine of Rs.5,000 and default in payment of fine to undergo further one month simple imprisonment, under Section 138 of Negotiable Instruments Act, by the learned Judicial Magistrate (Fast Track Court-II), Erode, in S.T.C.No.307 of 2013, dated 30.11.2015, the same was confirmed by the learned II Additional District and Sessions Judge, Erode, in Crl. Appeal No.7 of 2016, dated 19.09.2016, has come forward with present petition seeking the relief of suspension of sentence, pending revision.

2.The learned counsel appearing for the petitioner would submit that the petitioner is ready to deposit of the entire cheque amount of Rs.1,00,000/- and he has also made an endorsement to that effect in the main revision petition and hence, the learned counsel prays for suspending the sentence.

3. Heard the learned counsel appearing for the petitioner/accused.

4. Considering the grounds raised in the memorandum of grounds of criminal revision and also considering the submission made by the learned counsel for the petitioner, this Court is inclined to suspend the substantive sentence of imprisonment alone, pending revision, with the following conditions :-

(i) The petitioner is directed to deposit of the entire cheque amount of Rs.1,00,000/- to the credit of S.T.C.No.307 of 2013, on the file of the learned Judicial Magistrate (Fast Track Court-II), Erode, on or before 03.10.2016, failing which, the petition shall stand automatically dismissed without any further reference to this Court.

(ii) On such deposit, the petitioner shall be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.II, Erode, and

(iii) on further condition that the petitioner shall report before the said Court on the first working day of every month at 10.30 a.m., until further orders.

5. It is made clear that the substantive sentence of imprisonment will be suspended only from the date of deposit of the amount of Rs.1,00,000/- to the credit of S.T.C.No.307 of 2013 on the file of learned Judicial Magistrate (Fast Track Court-II), Erode,

Call on 04.10.2016.

29.09.2016

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Note to Office:

Issue order copy on 29.09.2016

G.CHOCKALINGAM, J.

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29.09.2016