

Crl.M.P.No.7829 of 2016
in
Crl.R.C.No.981 of 2016

G.CHOCKALINGAM, J.

The petitioner, who is the accused in C.C.No.96 of 2014, stands convicted by the learned Judicial Magistrate, Fast Track Court, Tiruppur, for an offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month. Challenging the said conviction and sentence, the petitioner/accused had preferred an appeal in Criminal 102 of 2015 before the learned I Additional District and Sessions Judge, Tiruppur, and the learned I Additional District and Sessions Judge, by order dated 08.06.2016, had dismissed the said appeal and confirmed the order passed by the learned Judicial Magistrate, Fast Track Court, Tiruppur. Now, the petitioner has filed this miscellaneous petition seeking to suspend the sentence imposed by the learned Judicial Magistrate, Fast Track Court, Tiruppur, in C.C.No.96 of 2014, on 12.10.2015.

2. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and he is in custody from 15.07.2016 onwards and hence, he prayed for suspending the sentence.

3. The learned counsel appearing for the respondent would submit that the petitioner/accused may be directed to deposit some amount as compensation towards the cheque amount.

4. This Court, by order dated 26.07.2016, directed the learned Government Advocate (Crl.Side) to verify whether the petitioner was arrested and remanded to custody or not. As per the said direction, the learned Government Advocate (Crl.Side) verified the matter and filed a report stating that the warrant issued by the Fast Track Court, Tiruppur, was executed and the petitioner/accused was arrested and he is in custody from 15.07.2016.

5. This Court perused the entire records. On a perusal of the records, it is seen that the petitioner was convicted by the learned Judicial Magistrate, Fast Track Court, Tiruppur, for an offence

punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month and the said conviction and sentence were confirmed by the learned I Additional District and Sessions Judge, Tiruppur, in Crl.A.No.102/2015. Since no amount was imposed as compensation by both the Courts below, the argument of the learned counsel for the respondent that the petitioner/accused may be directed to deposit some amount as compensation towards the cheque amount, is rejected.

6. Considering the fact that no amount was awarded towards compensation by both the Courts below and also considering the fact that the petitioner is in custody for more than 23 days, this Court is inclined to suspend the substantive sentence of imprisonment alone, pending revision, with the following conditions:-

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, Tiruppur, and

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(ii) 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.

09.08.2016
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