

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.10213 of 2017

IN CRL RC.1090/2017

1 S.SUNDARAM
2 S.BAKYALAKSHMI

[PETITIONERS]

Vs

1 THE STATE THROUGH
PUBLIC PROSECUTOR, COIMBATORE.

[RESPONDENTS]

2 G.NAGASAMI

Petition praying that in the circumstances stated therein the High Court will be pleased to direct that the execution of the sentence of one year simple imprisonment confirmed on the petitioner for the offence u/s 138 of the Negotiable Instruments Act by the Honble III Additional District and Sessions Judge, Coimbatore judgment dated 13.04.2017 in Criminal Appeal No.137 of 2015 in S.T.C.No.365 of 2011 on the file of Learned Judicial Magistrate II, Pollachi be suspended and the petitioner be released on bail pending disposal of the accompanying Crl.R.C.No.1090 of 2017.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.D.ASHOK KUMAR, Advocate for the petitioner and of MR. C.IYYAPPARAJ, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment imposed on the petitioner in S.T.C.No.365 of 2011 on the file of the learned Judicial Magistrate No.II, Pollachi by a Judgement dated 25.05.2015 and the same was confirmed by the appellate Court in C.A.No.137 of 2015 on the file of the learned III Additional District and Sessions Judge, Coimbatore, by a judgment dated 13.04.2017.

2. After hearing the arguments of the learned counsel appearing for the petitioner, this Court finds that the dishonored cheque was dated 29.10.2010, however, the same was presented by the complainant at his bank only on 09.12.2010. In the mean while, on 08.12.2010, the petitioner had given a request to the bank to stop the payment on the alleged ground that the cheque was lost by him or had been stolen on 06.12.2010, while he was travelling. These issues, as raised by the learned counsel for the petitioner, may be gone into

in depth and it has to be decided at the time of the final hearing of the revision.

3. Therefore, in view of the same, this Court is inclined to consider the suspension of sentence alone and release the petitioner on bail. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is released on bail on the following conditions :-

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Pollachi within a period of two weeks from the date of the receipt of a copy of this Order and also

(ii) the petitioner shall appear before the concerned Court on the first working day of every calender month at 10.30 a.m., until further orders.

-sd/-
17/08/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE STATE THROUGH
PUBLIC PROSECUTOR, COIMBATORE.

4 III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.D.ASHOK KUMAR Advocate on payment of necessary
charges

Order

in
CRL MP.10213/2017

in
CRL RC.1090/2017

Date :17/08/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

rvr 22/08/2017