

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.11001 of 2017

IN CRL RC.1153/2017

C.GUNASEKARAN,

[PETITIONER]

Vs

1 THE STATE REP BY ITS,
THE PUBLIC PROSECUTOR,
COIMBATORE.

[RESPONDENTS]

2 M/S. SMAP TECH ENTERPRISES REP
BY ITS POWER OF ATTORNEY HOLDER VEERAKUMAR,

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1153/2017 on the file of the High Court, the High Court will be pleased to exemption from surrender of the petitioner in judgment passed in C.C.No.407 of 2013 (OLD C.C.NO.373/2013) Dated 02.08.2017 on the file of Learned Judicial Magistrate, Fast Track Court at Magisterial Level-I, Coimbatore imposed in the petitioner.[CRL.MP.NO.11001/2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1153/2017 on the file of the High Court and upon hearing the arguments of M/S.M.MUTHUKRISHNAN Advocate for the petitioner and of MR. on behalf of the Respondent the court made the following order:-

This petition has been filed to exempt the petitioner from surrendering before the Judicial Magistrate Court (Fast Track Court at Magistrate Level-I), Coimbatore.

2.The petitioner is an accused in C.C.No.407 of 2013, filed by the second respondent under Section 138 of the Negotiable Instruments Act. The trial Court, after having tried the case, by its judgment dated 02.08.2017, convicted the petitioner under Sec.138 of the Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and also directed the petitioner to pay a compensation of Rs.2,80,000/-, to the second respondent. As against the said judgment and conviction, the petitioner preferred an appeal before the first Appellate Court in C.A.No.246 of 2017. Along with the said appeal, the petitioner had filed a petition to suspend the sentence imposed against him.

3.While considering the petition filed to suspend the sentence,

the first Appellate Court, after having taken into account the fact that the petitioner did not appear before the trial Court at the time of pronouncement of the judgment, has rejected the said petition to suspend the sentence, by the impugned order dated 23.08.2017, against which the present revision has been filed.

4.I have heard Mr.Muthukrishnan, learned counsel appearing for the petitioner.

5.Since the trial Court has convicted the petitioner and also directed him to pay a sum of Rs.2,80,000/- towards compensation to the second respondent, in the interest of justice, this petition, giving exemption to the petitioner, from surrendering before the trial Court, is ordered on condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of C.C.No.407 of 2013 (Old C.C.No.373 of 2013) on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-I, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order.

6.Post this matter after completion of service.

-sd/-
31/08/2017

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,
FAST TRACK COURT AT MAGISTERIAL LEVEL-I,
COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE AT COIMBATORE

4 THE STATE REP BY ITS,
THE PUBLIC PROSECUTOR, COIMBATORE.

5 THE PUBLIC PROSECUTOR,
HIGH COURT,MADRAS

+1 C.C. to M/S.M.MUTHUKRISHNAN Advocate on payment of necessary
charges SR.NO. 16756

Order

in
CRL MP.11001/2017

in
CRL RC.1153/2017

Date :31/08/2017

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RD 05/09/2017