

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.11072 of 2017

IN CRL RC.1157/2017

M.SIVASUBRAMANIAN

[PETITIONER / APPELLANT]

Vs

D.JACOB

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.1157/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed by the in C.A.No.170 of 2012 dated 27.06.2017 on the file of the III Additional District and Sessions Judge, Coimbatore confirming the judgment and order passed by the trial court Judicial Magistrate Fast Track Court at Magisterial Level-II, Coimbatore C.C.No.104 of 2011 dated 05.06.2012 and direct to enlarge the petitioner on bail in the event of his arrest pending disposal of the CRL RC.1157/2017 [IN CRL.MP.NO.11072 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.1157/2017 on the file of the High Court and upon hearing the arguments of M/S.B.KANNAN, Advocate for the petitioner and of M/S.P.PANDIYARAJ on behalf of the Respondent the court made the following order:-

The Criminal Revision has been filed by the Petitioner/accused in C.C.No.104 of 2011 before the learned Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore, and the appellant before the III Additional District and Sessions Judge, Coimbatore. The has been convicted and sentenced under the respective offences, which are tabulated as hereunder:-

Convicted under the offence	Sentenced
U/s.138 of N.I.Act	To undergo simple imprisonment for one year and to pay fine of Rs.5000/-, in default, to undergo 3 months simple imprisonment.

Against the conviction and sentence passed by the trial court, the accused as appellant has filed Criminal Appeal No.170 of 2012 on the file of the First Appellate Court. In the appellate Court, the conviction and sentence was confirmed by Judgment dated 27.06.2017 and the appeal filed by the accused has been dismissed. Challenging the same, the Revision Petitioner/accused has filed the present

Criminal Revision Case and pending revision, he has filed CrI.M.P.11072 of 2017 seeking to enlarge him on bail by suspending the sentence imposed.

2. Heard Mr.P.Pandiyaraj, learned counsel appearing for the respondent.

3. It is submitted by the learned counsel appearing for the Revision Petitioner that the accused will be willing to deposit the amount, as ordered by this Court, as a pre-condition for suspending the sentence. He further submitted that the petitioner/accused has paid the fine amount of Rs.5000/-.

4. Considering the above submission of the learned counsel appearing for the Revision Petitioner/accused and also considering the fact that there are arguable points involved in this revision, this court is inclined to grant the relief of suspension of sentence, on terms, pending Criminal Revision.

5. Accordingly, the petitioner/accused is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of C.C.No.104 of 2011 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, within a period of three weeks from the date of receipt of a copy of this order. Subject to that condition, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on further conditions (i) that the petitioner shall execute 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 at Magisterial Level-II, Coimbatore and (ii) that the petitioner shall appear before the said learned Magistrate on the first working day of every English Calendar month at 10.30 a.m., pending Revision.

-sd/-
13/10/2017

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-II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE NO.III, COIMBATORE

+1C.C. to M/S.B.KANNAN Advocate on payment of necessary charges
SR NO.19488

Order

in
CRL MP.11072/2017

in
CRL RC.1157/2017

Date :13/10/2017

From 7.2.2001 the Registry is issuing certified
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MK:13/10/2017