

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of September Two Thousand
Seventeen

PRESENT

The Hon`ble Mr Justice G.R.SWAMINATHAN

CRIMINAL MISCELLANEOUS PETITION No.12350 of 2017

IN CRL RC.1276/2017

P.KUPPUSAMY

[PETITIONER]

Vs

S.ELANGO

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.1276/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 28.07.2017 made in C.A.No.53 of 2017 on the file of the learned Second Additional District and sessions Court, Erode confirming the judgment dated 02.02.2017 made in STC No.603 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode and enlarge the petitioner on bail pending disposal of the above CRL RC.1276/2017 [IN CRL.MP.NO.12350 OF 2017

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.1276/2017 on the file of the High Court and upon hearing the arguments of M/S.N.MANOKARAN, Advocate for the petitioner, the court made the following order:-

The revision petitioner suffered conviction under Section 138 of the Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment vide Judgment dated 02.02.2017 made in STC.No.603 of 2013 on the file of the Judicial Magistrate, Fast Track Court No.I, Erode. The said Judgment was dismissed and the Criminal Appeal No.53 of 2017 filed by the revision petitioner was dismissed by Judgment dated 28.07.2017 by the II Additional District & Sessions Court, Erode. Aggrieved by the same, the instant Criminal Revision Case has been filed.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the revision petitioner submits that since arguable points are involved in this Criminal Revision Case and the Revision itself may not be taken up for final hearing in the near future and the sentence imposed on the petitioner is for a period of six months, if pending the above Criminal Revision

Case, the substantive imprisonment is not suspended and the petitioner is not released on bail, great prejudice and hardships will be caused to the petitioner.

4. The revision petitioner has raised arguable points in this Criminal Revision Case. His primary contention is that the grounds urged by him in the Criminal Appeal were not even taken into account by the lower Appellate Court.

5. Considering the facts and circumstances of the case, and also considering the fact that this Court is of the considered view that since arguable points are involved in the above Criminal Revision Case and as rightly contended by the learned Counsel, the Criminal Revision Case itself may not be taken up for final hearing in the near future and unless suspension of sentence is granted and the petitioner is released on bail, he may have to be in Jail for a long time, which will definitely cause prejudice and hardships to the petitioner, I am inclined to grant exemption from surrender in favour of the revision petitioner and I am also inclined to suspend the substantive sentence of imprisonment imposed on the petitioner.

6. The sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- [Rupees five thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.I, Erode, within a period of two weeks from the date of receipt of a copy of this order.

-sd/-
27/09/2017

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 NO.I, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT AND SESSIONS COURT,
ERODE.

+1C.C. to M/S.N.MANOKARAN Advocate on payment of necessary
charges SR NO.18653

Order

in
CRL MP.12350/2017

in
CRL RC.1276/2017

Date :27/09/2017

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

MK:03/10/2017