

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.12373 of 2017

IN CRL RC.1282/2017

R.VADIVEL

[PETITIONER]

Vs

K.S.KRISHNAMOORTHY

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1282/2017 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence dated 22.08.2017 passed by the Additional Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode, Erode District in C.A. No.125 of 2017 whereby reversing the order dated 07.04.2017 in S.T.C. No.93 of 2016 on the file of the Judicial Magistrate (Fast Track Court-I), Erode, Erode District pending disposal of the above Crl.R.C.No.1282 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1282 of 2017 on the file of the High Court and upon hearing the arguments of M/S.C.PRAKASAM, 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 two years simple imprisonment vide Judgment dated 07.04.2017 made in STC.No.93 of 2016 on the file of the Judicial Magistrate, Fast Track Court No.1, Erode. The said Judgment was confirmed and the Criminal Appeal No.125 of 2017 filed by the revision petitioner was allowed by Judgment dated 22.08.2017 by the Additional Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila 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 two years, 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 Additional Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court), 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 ADDITIONAL SESSIONS COURT
MAGALIR NEETHI MANDRAM, (FAST TRACK MAHILA
COURT), ERODE.

C.C. to M/S.C.PRAKASAM Advocate on payment of necessary charges
Sr.18774

Order

in
CRL MP.12373/2017

in
CRL RC.1282/2017

Date :27/09/2017

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rvr 05/10/2017