

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Second day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.13297 of 2017

IN CRL RC.1365/2017

R.CHANDRASEKAR,

[PETITIONER]

Vs

T.RAJAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1365/2017 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence dated 03.10.2017 passed by the II Additional District and Sessions Judge, Salem, Salem District in C.A.No.52 of 2017 whereby confirming the order dated 13.04.2017 in STC No.242 of 2012 on the file of the Judicial magistrate (Fast Track Court), Attur, Salem District pending disposal of the above criminal revision.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1365/2017 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 petitioner/appellant/ accused was convicted by the trial Court / Fast Track Court, Attur, Salem District in S.T.C. No.242 of 2012 and sentenced for the offence, which is tabulated as hereunder :

Conviction	Sentence
U/s.138 of Negotiable Instrument Act	to pay a fine of Rs.3,00,000/- as compensation in default to undergo simple imprisonment for six months

2. Against the conviction and sentence passed by the trial Court, the accused, as appellant, has filed Criminal Appeal No.52 of 2017 on the file of learned II Additional Sessions Judge, Salem, wherein, the conviction and sentence passed by the trial Court was confirmed by judgment dated 03.10.2017. Challenging the same, the Revision petitioner / accused has filed the present Criminal Revision Case and pending Revision, the petitioner / accused has filed this petition seeking to suspend the sentence of imprisonment and release him on bail.

3. Heard the learned counsel for the petitioner.

4. It is submitted by the learned counsel appearing for the Revision Petitioner that the accused is willing to deposit an amount, as may be ordered by this Court, as a pre-condition for suspending the sentence. Further, the learned counsel for the petitioner submits that there are arguable points involved in this revision and therefore, pending disposal of the Criminal Revision Petition, he prayed for suspending the sentence imposed on the petitioner.

5. Considering the facts and circumstances of the case, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail subject to the condition that he shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of STC No.242 of 2012, on the file of Fast Track Court, Attur, Salem District within a period of three weeks from the date of receipt of the copy of the order. The petitioner is further directed to execute a bond in 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, Attur, Salem District and on further condition that the petitioner shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., pending disposal of the revision.

-sd/-

02/11/2017

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, ATTUR, SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM (FOR INFORMATION)

3 THE II ADDITIONAL SESSIONS
JUDGE, SALEM

+1 C.C. to M/S.C.PRAKASAM Advocate on payment of necessary
charges Sr.No.20378

Order
in
CRL MP.13297/2017
in
CRL RC.1365/2017

Date :02/11/2017

From 7.2.2001 the Registry is issuing certified
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MD: 07/11/2017