

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice S.VIMALA

CRIMINAL MISCELLANEOUS PETITION Nos.13783 & 13784 of 2017

IN CRL RC.1404/2017

SRI RAM B,

[PETITIONER IN BOTH THE PETITIONS]

Vs

K.C.PALANISAMY,

[RESPONDENT IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC.No.1404 OF 2017 on the file of the High Court, the High Court will be pleased to

(1) suspend the sentence imposed in the Judgment passed in Crl.A.No.166 of 2017 dated 26.10.2017 on the file of the Additional Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) at Erode in confirming the conviction passed in judgment dated 03.06.2017 in S.T.C.No.479 of 2015 on the file of the Judicial Magistrate cum Fast Track Court No.1 at Erode and enlarge the petitioner on bail pending disposal of the above CRL.RC.1404/2017. (CRL.MP.13783/2017)

(2) exempt the petitioner from surrender pursuant to the order passed in S.T.C.No.479 of 2015 on the file of the Judicial Magistrate cum Fast Track Court No.1 at Erode dated 03.06.2017 confirmed in Crl.A.No.166 of 2017 on the file of the Additional Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) at Erode dated 26.10.2017 and pending disposal of the above CRL.RC.1404/2017. (CRL.MP.13784/2017)

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1404 of 2017 on the file of the High Court and upon hearing the arguments of MR.M.GURU PRASAD, FOR M/S.K.VANANGAMUDI, Advocate for the petitioner (IN BOTH THE PETITIONS) the court made the following order:-

This criminal revision has been filed by the petitioner/accused, who was found guilty by the trial court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months and to pay compensation in a sum of Rs.15,00,000/- to the complainant, in default, to undergo simple imprisonment for a period of one month. Against the conviction and sentence, the accused has filed Criminal Appeal No.166 of 2017 before the Additional Sessions Judge, Magalir Neethi Mandram

(Fast Track Mahila Court), Erode, wherein, the conviction and sentence passed by the trial court was confirmed. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel appearing for the petitioner/accused submits that the courts below have not taken into consideration the evidence in its proper perspective and, therefore, the findings arrived at by the courts below are perverse and is liable to be interfered with. It is further submitted by the learned counsel for the petitioner/accused that no proper and cogent reason has been given by the courts below to disbelieve the evidence of the accused. The learned counsel further submitted that considering the period involved in taking up the revision case and also the period of incarceration having undergone by the petitioner/accused, prayed that the accused may be put to some terms and the sentence may be suspended.

3. Taking into consideration the submissions made by the learned counsel for petitioner and that the revision is not likely to be taken-up for final hearing in the near future and considering the grounds of revision, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence, subject to the petitioner depositing a sum of Rs.5,00,000/- to the credit of the trial court.

4. Accordingly, subject to the condition that the petitioner/accused depositing a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of the trial court, within a period of six weeks from the date of receipt of a copy of this order, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall 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 learned Judicial Magistrate-cum-Fast Track Court No.I, Erode, and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., pending the revision. In view of the order passed above, the surrender of the petitioner before the trial court is exempted until further orders.

5. Notice to the respondent returnable in four weeks. Private notice is also permitted.

-sd/-
08/11/2017

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 ADDL. SESSIONS JUDGE,
MAGALIR NEETHI MANDRAM (FAST TRACK MAHILA
COURT) ERODE.

2 THE JUDICIAL MAGISTRATE,
CUM FAST TRACK COURT NO.1, AT ERODE.

+1 C.C. to M/S.K.VANANGAMUDI Advocate on payment of necessary
charges-Sr.20643

Order

in
CRL MP.Nos.13783 & 13784/2017

in
CRL RC.1404/2017

Date :08/11/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 10.11.2017