

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.13943 of 2017

IN CRL RC.1416/2017

M.KIRUBAKARAN,

[PETITIONER]

Vs

1 M/S.SARAVANA AGENCIES,
A PROPRIETRIX CONERN,
REP BY ITS POWER OF ATTORNEY,
AGENT MR. P. SARAVANAN,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC No.1416 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the Judgment dated 01.09.2017 in C.A.No.106/2016 on the file of III Additional Sessions Judge, Salem confirming the sentence imposed in the judgment dated 25.10.2016 in C.C.No.135/2016 on the file of Judicial Magistrate No.III, Salem, pending disposal of the above Crl.RC.No.1416 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1416 of 2017 on the file of the High Court and upon hearing the arguments of M/S.R.NALLIYAPPAN, Advocate for the petitioner the court made the following order:-

This Criminal Revision Case 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 six months simple imprisonment and to pay a fine amount of Rs.5,000/-, in default, to undergo one month simple imprisonment. Against the conviction and sentence, the accused has filed Criminal Appeal No.106 of 2016 before the III Additional Sessions Judge, Salem, 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 submitted that considering the period involved in taking up the Revision Case, the sentence may be suspended. The learned counsel further submitted that the petitioner is willing to abide any of the conditions that may be imposed by this Court.

3. Taking into consideration the submissions made by the learned

counsel for petitioner and that the Revision Case 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.10,000/- to the credit of the trial court.

4. Accordingly, subject to the condition that the petitioner / accused depositing a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of the trial court, within a period of two 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 a condition that the petitioner shall execute a bond in a sum of Rs.10,000/- each (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Judicial Magistrate No.III, Salem, 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 Revision Case.

5. Post the Criminal Revision Case in the usual course.

-sd/-
09/11/2017

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,
NO.III, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.R.NALLIYAPPAN Advocate on payment of necessary charges-Sr.20677

Order

in
CRL MP.13943/2017

in
CRL RC.1416/2017

Date :09/11/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 13.11.2017