

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.14325 of 2017

IN CRL RC.1443/2017

M.KESAVAN,

[PETITIONER]

Vs

V.MURUGESAN

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased To suspend the sentence of imprisonment and compensation imposed in the judgment dated 29/12/2016 made in CC.No.170/2013 on the file of Judicial Magistrate No-I, Namakkal which was confirmed in the judgment dated 01.08.2017 made in C.A.No.4 of 2017 on the file of Principal Session Judge at Namakkal and enlarge the petitioner on bail pending disposal of the above revision petition.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.E.D.SETHUPATHI, 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 nine months simple imprisonment and to pay a fine amount of Rs.5,000/-, in default, to undergo three months simple imprisonment. Against the conviction and sentence, the accused has filed Criminal Appeal No.4 of 2017 before the Principal Sessions Judge, Namakkal, 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 dispute relates to an amount of Rs.2,00,000/- and the trial court has failed to take note of pertinent facts and evidences and has erroneously found the accused guilty. The learned counsel further submitted that this Court may put the petitioner to any strict condition and also considering the amount involved and the period involved in taking up the Revision Case, the sentence may be suspended.

4. 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 and further the fact that the

petitioner undertakes to deposit an amount of Rs.75,000/= to the credit of C.C. No.170/2013 on the file of the Judicial Magistrate-I, Namakkal, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence, subject to the petitioner depositing the sum of Rs.75,000/- as undertaken by him above.

5. Accordingly, subject to the condition that the petitioner/accused depositing a sum of Rs.75,000/- (Rupees Seventy-Five Thousand only) to the credit of C.C. No.170/2013 on the file of the Judicial Magistrate No.I, Namakkal, within a period of three weeks from the date of receipt of a copy of this order, as undertaken by him, 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.I, Namakkal, 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.

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

-sd/-

16/11/2017

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 PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
NO. 1, NAMAKKAL.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

C.C. to M/S.E.D.SETHUPATHI Advocate on payment of necessary charges

Order

in
CRL MP.14325/2017

in
CRL RC.1443/2017

Date :16/11/2017

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EGR 17/11/2017