

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.15362 of 2017

IN CRL RC.1536/2017

M.KRISHNASAMY

[PETITIONER / APPELLANT / ACCUSED]

Vs

1 A.RAJATHI

[RESPONDENTS]

2 THE STATE,
PUBLIC PROSECUTOR,
ERODE DISTRICT

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence passed in judgments dated 09.10.2017 passed in C.A.No.215 of 2016 on the file of the Honourable court of the IV Additional District and Sessions Judge, Erode District at Bhavani and 02.11.2016 conforming the Order in STC No.64 of 2015 on the file of the II Additional District Munsif Court at Bhavani, Erode District, IN CRL.RC.NO.1536 OF 2017 [IN CRL.MP.NO.15362 OF 2017]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.B.JAGANNATH, Advocate for the petitioner and of PUBLIC PROSECUTOR [FOR R-2] on behalf of the Respondent 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 simple imprisonment for a period of six months and to pay the cheque amount of Rs.1,50,000/-. Against the conviction and sentence, the accused has filed Criminal Appeal No.215 of 2016 before the Addl. Sessions Judge, Bhavani, 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.1,50,000/- 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.

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 and further the fact that the petitioner undertakes to deposit one-third of the amount in dispute, to the credit of S.T.C. No.64/2015 on the file of the Addl. District Munsif-II, Bhavani, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence, subject to the petitioner depositing one-third of the disputed sum, as undertaken by him above.

4. Accordingly, subject to the condition that the petitioner/accused depositing Rs.50,000/= (Rupees Fifty Thousand only) to the credit of S.T.C. No.64/2015 on the file of the Addl. District Munsif-II, Bhavani, within a period of six weeks from the date of receipt of a copy of this order, as undertaken by him, the substantive sentence of imprisonment alone shall stand suspended and petitioner shall 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 Addl. District Munsif-II, Bhavani, 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/-
11/12/2017

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 IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, ERODE, BHAVANI.

2 THE II ADDITIONAL DISTRICT
MUNSIF COURT, BHAVANI, ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE PUBLIC PROSECUTOR,
ERODE DISTRICT

+1C.C. to M/S.B.JAGANNATH Advocate on payment of necessary
charges SR NO.22439

Order

in
CRL MP.15362/2017

in
CRL RC.1536/2017

Date :11/12/2017

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MK:13/12/2017