

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.16387 of 2017

IN CRL RC.1603/2017

S.DHANAPAL,

[PETITIONER/APPELLANT/ACCUSED]

Vs

P.SURESH KUMAR,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC No.1603 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of undergo one year Rigorous Imprisonment against the petitioner /appellant for offence 138 and 142 of N.I. Act order passed in Crl.Appeal NO.139 of 2015 by Principal Session Judge, Salem, dated 08.11.2017, confirming the order of S.T.C.No.692 of 2011 on the file of the Judicial Magistrate, No.VI, Salem dated 15.09.2015.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1603 of 2017 on the file of the High Court and upon hearing the arguments of M/S.P.ANBASHAGAN, Advocate for the petitioner the court made the following order:-

The conviction of the petitioner, as ordered by the trial court / Judicial Magistrate No.VI, Salem, which was confirmed by the appellate court / learned Principal Sessions Judge, Salem, (Fast Track Court), Attur, (under the offence that is tabulated hereunder), is under challenge in the Criminal Revision Case:-

Convicted under the Offence	Sentenced
U/s.138 and 142 of the N.I.Act	to undergo simple imprisonment for a period of one year and to pay a sum of Rs.1,20,000/- as compensation within a period of one month, in default, to undergo three months simple imprisonment.

2. Pending Revision, the petitioner/accused has filed this petition, seeking to suspend the sentence of imprisonment.

3. The learned counsel appearing for the petitioner / accused submitted that there is a contradiction in the statements of the respondent with regard to the purpose for which the cheque was given. The learned counsel further submitted that the cheque was not given for legal enforceable debt and it was given only for security purposes. The learned counsel further submitted that the petitioner is willing to abide any of the conditions that may be imposed by this Court. There is also an undertaking on behalf of the petitioner that a sum of Rs.50,000/- would be deposited within a period of four weeks from the date of receipt of a copy of this order.

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, 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.30,000/- to the credit of the trial court.

5. Accordingly, the substantive sentence of imprisonment alone on the petitioner is suspended and the petitioner is directed to be enlarged on bail, upon the following conditions:-

(i) The petitioner herein shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) within a period of four weeks from the date of receipt of a copy of this order;

(ii) The petitioner shall execute a bond for 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 No.VI, Salem;

(iii) The petitioner shall appear before the said learned Magistrate, on the first working day of every English Calendar month, at 10.30 a.m., pending disposal of the revision.

-sd/-
22/12/2017

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 PRINCIPAL SESSIONS JUDGE,
SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.VI, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

+1 C.C. to M/S.P.ANBAZHAGAN Advocate on payment of necessary
charges-Sr.23290

Order

in
CRL MP.16387/2017

in
CRL RC.1603/2017

Date :22/12/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 28.12.2017