

Crl.M.P.Nos.5215 and 5216 of 2017
in
Crl.R.C.No.594 of 2017

V.BHARATHIDASAN, J.,

Petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay fine of Rs.5,000/-, in default, to undergo simple imprisonment for one month, by the learned Judicial Magistrate No.1, Gobichettipalayam, by a Judgment dated 28.01.2016 in C.C.No.214 of 2007. Challenging the same, petitioner had preferred an appeal in C.A.No.31 of 2016 on the file of learned III Additional District and Sessions Court, Gobichettipalayam, and the lower appellate court confirmed the conviction and sentence and also directed the petitioner to pay a sum of Rs.9,00,000/- as compensation to the petitioner, by a Judgment dated 24.03.2017. Aggrieved which, the present revision has been filed.

2. Crl.M.P.No.5215 of 2017 has been filed seeking suspension of sentence imposed on the petitioner and Crl.M.P.No.5216 of 2017 has been filed seeking exemption from surrendering before the trial court.

3. The learned counsel appearing for the petitioner would submit that even though the trial court convicted the petitioner to undergo simple imprisonment for one year and to pay a fine of Rs.5000/-, in an appeal filed by the petitioner against the said conviction and sentence, the lower appellate court ordered compensation of the entire cheque amount, which is not permissible in law.

4. Heard the learned counsel appearing for the petitioner and perused the impugned judgment and the materials available on record carefully.

5. Taking into consideration of the submission of the learned counsel, since there are some arguable points involved in the revision, I am inclined to suspend the sentence of imprisonment including the payment of compensation.

6. Accordingly, pending revision, **substantive sentence of imprisonment and payment of Rs.9,00,000/- as compensation, are suspended** and the Proprietor of the petitioner company is released on bail on his executing 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 Judicial Magistrate,

Judicial Magistrate Court No.1, Gobichettipalayam, with further condition that he shall appear before the said court on the first working day of every month at 10.30 a.m., until further orders. The surrender of the Proprietor of the petitioner company before the trial Court is exempted.

12.04.2017

mrp

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