

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Monday, the Seventeenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.5311 of 2017

IN CRL RC.598/2017

D.BASKARAN

[ PETITIONER ]

Vs

M.RAVISEKAR

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.598/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on him by the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu made in C.C.NO.130 of 2009 dated 19.09.2016 in convicting the petitioner herein under section 138 read with 142 of the Negotiable Instruments Act and sentencing him to undergo two years Regiorous Imprisonment and to pay the cheque amount of Rs.5,00,000/-[Rupees Five Lakhs] as compensation as per section 357(3) Cr.P.C.within a period of one month to the respondent/complainant herein failing which the accused shall undergo one month R.I. Which was confirmed by the appellate court in Crl.Appeal NO.45 of 2016 dated 24.03.2017 on the file of the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu and enlarge him on bail pending disposal of the above CRL RC.598/2017

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.598/2017 on the file of the High Court and upon hearing the arguments of M/S.D.N.DURGASHA, Advocate for the petitioner, the court made the following order:-

Petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for 2 years R.I. and to pay a compensation of Rs.5,00,000/- within one month, in default, to undergo simple imprisonment for one month, by learned Principal Sessions Judge, Kancheepuram District at Chengalpattu, by a judgment dated 29.09.2016 in C.C.No.130 of 2009. Challenging the same, petitioner preferred an appeal in C.A.No.45 of 2016 on the file of learned Principal Sessions Judge, Kancheepuram District, and the lower appellate court dismissed the appeal by a judgment dated 24.03.2017. Aggrieved which, the present revision has been filed.

2. Crl.M.P.No.5311 of 2017 has been filed seeking suspension of sentence imposed on the petitioner and Crl.M.P.No.5312 of 2017 has

been filed seeking exemption from surrendering before the trial court.

3. He would further contend that the petitioner had not borrowed any amount and the cheque which has been given to the defacto complainant in order to settle the dispute between the brother of the petitioner herein and it has been mis-used by the defacto complainant. Petitioner is not liable to pay any amount to the defacto complainant.

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 substantive sentence of imprisonment alone.

6. Accordingly, pending revision, **substantive sentence of imprisonment alone is suspended** and the petitioner is released on bail on 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-I, Chengalpattu, 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 petitioner before the trial Court is exempted.

-sd/-

17/04/2017

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,  
KANCHEEPURAM DISTRICT, CHENGALPATTU.

2 THE JUDICIAL MAGISTRATE,  
NO.I, CHENGALPATTU.

3 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

4 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

+2C.C. to M/S.D.N.DURGASHA Advocate on payment of necessary  
charges SR NOS.6884

Order

in  
CRL MP.5311/2017

in  
CRL RC.598/2017

Date :17/04/2017

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MK:18/04/2017