

Crl.M.P.Nos.5379 & 5381 of 2017
in
Crl.R.C.No.601 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 a fine of Rs.5000/-, in default, to undergo simple imprisonment for 2 months, by the learned Judicial Magistrate No.III, Erode, by a judgment dated 18.03.2016 in C.C.No.797 of 2010. Challenging the same, petitioner had preferred an appeal in C.A.No.85 of 2016 on the file of II Additional District and Sessions Court, Erode, and the lower appellate court confirmed the conviction and sentence and dismissed the appeal by a judgment dated 21.11.2016. Aggrieved which, the present revision has been filed.

2. Crl.M.P.No.5379 of 2017 has been filed seeking suspension of sentence imposed on the petitioner and Crl.M.P.No.5381 of 2017 has been filed seeking exemption from surrendering before the trial court.

3. 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, the sentence is suspended on condition that the petitioner shall deposit 50% of the cheque amount to the credit of C.C.No.797 of 2010 on the file of the Judicial Magistrate No.III, Erode, within a period of 8 weeks from today and the petitioner 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 No.III, Erode 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. If the petitioner fails to comply with the above condition, this order shall stand automatically vacated without any further reference to this Court. The surrender of the petitioner before the trial Court is exempted.

13.04.2017
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mrp

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