

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice M.S. RAMESH

CRIMINAL MISCELLANEOUS PETITION No.6485 of 2017

IN CRL RC.675/2017

K.SIVAKUMAR,

[PETITIONER]

Vs

S.SURESH NIRMAL KUMAR,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.675/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned Judicial Magistrate, Fast Track Court, Vellore, Vellore District in C.C.No.112/2013 dated 18.02.2014 and confirmed by the Learned Principal District and Sessions Judge, Vellore, Vellore District in Crl.A.No.26/2014 dated 06.03.2017 pending disposal of the Crl.R.C.No.675 of 2017 on the file of this Honble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.675/2017 on the file of the High Court and upon hearing the arguments of M/S.E.KANNADASAN, Advocate for the petitioner and of the court made the following order:-

The petitioner/accused who is the appellant, has filed this petition, seeking for the relief of suspension of sentence imposed on him, for the offence u/s.138 of N.I.Act, sentenced and convicted as per Section 255[2] Cr.P.C. to undergo S.I. for 6 months and to pay a fine of Rs.5,000/-, in default to undergo S.I. for a period of one month, made in C.C.No.112 of 2013 dated 18.02.2014, by the learned Judicial Magistrate [FTC], Vellore.

2. Heard the submissions made by Mr.E.Kannadasan, learned counsel for the petitioner and perused the materials placed on record.

3. Considering the grounds raised in the memorandum of grounds of criminal revision and also considering the fact that there are arguable points involved in this revision, this Court is of the considered view that the substantive sentence of imprisonment alone could be suspended pending appeal.

4. Accordingly, the substantive sentence of imprisonment alone is suspended, pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate [FTC], Vellore in a period of fifteen days from the date of receipt of a copy of this order and on further condition, that the petitioner shall report before the concerned Court, once in a week i.e., on every Monday at 10.30 a.m. until further orders.

V -sd/-
10/05/2017

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 JUDICIAL MAGISTRATE,
FAST TRACKCOURT, VELLORE,
VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE[FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VELLORE ,
VELLORE DISTRICT

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO. 8751

Order

in
CRL MP.6485/2017

in
CRL RC.675/2017

Date :10/05/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 15/05/2017