

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.6494 of 2017

IN CRL RC.678/2017

S.SREEKANTH

[PETITIONER]

Vs

JAYAKUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.678/2017 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence passed in C.C.No.104 of 2017 dated 23.03.2017 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore pending the disposal of appeal in Crl.M.P.No.933 of 2017 in C.A.No.88 of 2017 dated 24.04.2017 on the file of the III Additional District and Sessions Judge, Coimbatore, IN CRL.RC.NO.NO.678 OF 2017 [IN CRL.MP.NO.6494 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.678/2017 on the file of the High Court and upon hearing the arguments of M/S.KINGSLY SOLOMON J, Advocate for the petitioner, 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, to undergo 1 year S.I. and to pay the cheque amount of Rs.2,00,000/- [Rs.1,00,000/- + Rs.1,00,000/-] as compensation, within a period of 1 month, in default of paying the compensation, he was directed to undergo 6 months S.I., made in C.C.No.104 of 2017 dated 23.03.2017, by the learned Judicial Magistrate, FTC @ Magisterial Level-II, Coimbatore.

2. Heard the submissions made by Mr.Kingsly Solomon, 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 @ Magisterial Level-II, Coimbatore 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.

-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 TRACK COURT @ MAGISTERIAL LEVEL-II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

+1C.C. to M/S.KINGSLY SOLOMON J Advocate on payment of
necessary charges SR NO.8835

Order

in
CRL MP.6494/2017

in
CRL RC.678/2017

Date :10/05/2017

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