

Crl.M.P.Nos.8160 & 8161 of 2017
in
Crl.R.C.No.875 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.5,000/- (Rupees five thousand), in default, to undergo simple imprisonment for two months by the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, by a judgment dated 03.11.2015 in C.C.No.181 of 2013. Challenging the same, petitioner had preferred an appeal in C.A.No.243 of 2015 on the file of the IV Additional District and Sessions Judge, Coimbatore, and the lower appellate court confirmed the conviction and sentence and dismissed the appeal, by a judgment dated 09.02.2017.

2. Challenging the above said conviction and sentence, the present revision has been filed along with these petitions for suspension of sentence and exemption from surrendering before the trial court.

3. Towards enabling settlement in the matter and taking into consideration of the fact that offences under section 138 of the Negotiable Instruments Act are compoundable, notice is ordered to the respondent returnable in two weeks. Private notice is also permitted.

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

V.BHARATHIDASAN, J.,

mst /maya

5. Taking into consideration of the submission of the learned counsel for the petitioner, since there are some arguable points involved in the revision, I am inclined to suspend the sentence alone.

6. Accordingly, pending revision, **substantive sentence of imprisonment alone is suspended until further orders** and the petitioner is released on bail on condition that he shall deposit a sum of Rs.1,00,000/ (Rupees one lakh only) to the credit of C.C.No.181/2013 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, within a period of eight weeks from the date of receipt of a copy of the order, and 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, Fast Track Court at Magisterial Level-II, Coimbatore 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.

30.06.2017
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