

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.9995 of 2017

IN CRL RC.1057/2017

V.PUGAZHENDI,

[PETITIONER/APPELLANT/ACCUSED]

Vs

SRI SABARI FINANCE,
REP BY MANAGING DIRECTOR
VELLAISAMY (DIED),
AT PRESENT REPRESENTED BY PARTNER
KUMAR
NO.64, CUDDALORE MAIN ROAD,
NEYVELI-607 802.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.1057 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence of imprisonment and fine imposed on the Petitioner/Accused and enlarge him on bail in the Judgment dated 03.07.2017 in C.A.No.12 of 2017 on the file of the III Additional District and Sessions Court, Vridhachalam confirming the Judgment dated 09.01.2017 passed in C.C.No.52 of 2004 on the file of the Judicial Magistrate No.I, Court, Vridhachalam pending disposal of the Crl.RC.1057/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1057 of 2017 on the file of the High Court and upon hearing the arguments of MR.A.VENKATESH KUMAR, Advocate for the petitioner the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment and fine imposed on the petitioner and enlarge him on bail in the judgement dated 03.07.2017 in C.A.No.12 of 2017 on the file of the learned III Additional District and Sessions Court, Vridhachalam confirming the judgment dated 09.01.2017 passed in C.C.No.52 of 2004 on the file of the learned Judicial Magistrate No.1 Court, Vridhachalam.

2. Since the offence under Section 138 of Negotiable Instrument Act is compoundable one and there is every likelihood of settlement between the parties, this Court is inclined to consider the suspension of sentence alone to release the petitioner on bail.

3. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is released on bail on the following conditions :-

(i) the petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) to the credit of C.C.No.52 of 2004 on the file of the learned Judicial Magistrate No.1 Court, Vridhachalam within a period of four weeks from today

(ii) 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 No.1 Court, Vridhachalam and also

(iii) the petitioner shall appear before the trial Court on the first working day of every calender month at 10.30 a.m., until further orders.

(iv) It is made clear that if the conditions imposed on the petitioner are not complied with within the time stipulated, the order of suspending the sentence of imprisonment shall stand automatically vacated without any reference to this Court.

-sd/-
10/08/2017

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,
NO.I, VRIDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE III, ADDL. DISTRICT AND
SESSIONS COURT, VRIDHACHALAM.

+1 C.C. to M/S.A.VENKATESH KUMAR Advocate on payment of
necessary charges -Sr.15229

Order

in
CRL MP.9995/2017

in
CRL RC.1057/2017

Date :10/08/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 10.08.2017