

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL.O.P.No.21436 of 2018

Duraisamy

.. Petitioner

Vs

1.S.Ramesh

2.The State rep. by
Public Prosecutor,
Coimbatore.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to extend the time granted to execute bond with two sureties in suspension of sentence order dated 14.06.2018 in Crl.M.P.No.1615/2018 in C.A.208 of 2018 on the file of the Hon'ble I Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr.M.Mohana Sundaram

For R2 : Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to extend the time granted to execute a bond with two sureties in suspension of sentence order dated 14.06.2018, made in Crl.M.P.No.1615 of 2018 in C.A.No.208 of 2018 on the file of the I Additional District and Sessions Court, Coimbatore.

2. The petitioner was convicted in C.C.No.714 of 2017 on 11.04.2018, by the learned Judicial Magistrate, Sulur, under Section 138 of Negotiable Instrument Act, 1881, and was sentenced to undergo three months simple imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo one month simple imprisonment. The petitioner paid the fine amount. The trial Court suspended the sentence of imprisonment for a certain period, so as to enable the petitioner to approach the Sessions Court and obtain necessary orders. The petitioner filed C.A.No.208 of 2018 before the District and Sessions Court, Coimbatore and in Crl.M.P.No.1615 of 2018 in C.A.No.208 of 2018,

the Sessions Court, by order dated 14.06.2018, suspended the sentence of imprisonment on the following conditions :

"Considering the submissions, this Court is inclined to substantive sentence of imprisonment imposed on the petitioner by the lower Court alone is hereby suspended till disposal of the appeal, and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Sulur within two weeks from the date of this order and on condition that the petitioner shall report before the trial Court on the 1st working day of every English calender month at 10.30 a.m. without fail, until further orders."

The petitioner did not surrender before the trial Court within two weeks and instead, filed an application for extension of time, before the Sessions Court, after expiry of a period of two weeks, which was returned by the Sessions Court. Therefore, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner, who submitted that on account of illness, the petitioner was not able to surrender before the trial Court within two weeks, as directed by the Sessions Court. Therefore, the petitioner is before this Court with the above prayer.

4. It is seen that the cheque amount in this case is Rs.72,000/-. The petitioner is directed to surrender before the trial Court and also deposit a sum of Rs.20,000/- to the credit of C.C.No.714 of 2017, within two weeks from the date of receipt of a copy of this order and comply with the order passed by the Sessions Court on 14.06.2018, in Crl.M.P.No.1615 of 2018 in C.A.No.208 of 2018. The sum of Rs.20,000/- can be disbursed by the trial Court either to the complainant or the accused, depending upon the outcome of C.A.No.208 of 2018. If the petitioner fails to surrender and deposit the amount within two weeks as stated above, it is open to the trial Court to secure the petitioner and commit him to prison.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Sulur, Coimbatore.
2. Do Thro the Chief Judicial Magistrate,
Sulur, Coimbatore.
3. The I Additional District and Sessions Judge,
Coimbatore.
4. The Principal District and Sessions Judge,
Coimbatore.
5. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Mohana Sundaram, Advocate, S.R.No. 68489 (04/10/18)

CRL.O.P.No.21436 of 2018

SKV(CO)
GN(03/10/2018)



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