

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION Nos.1565 & 1566 of 2018

IN CRL RC.179/2018

M.MUTHUKUMARASAMY,

[PETITIONER IN BOTH THE PETITIONS]

Vs

S.SANTHI,

[RESPONDENT IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC.No.179 OF 2018 on the file of the High Court, the High Court will be pleased to

(1) suspend the sentence of imprisonment imposed on the petitioner in the Judgment dated 21.09.2017 made in C.A.No.130 of 2016 on the file of the learned Second Additional District and Sessions Court, Tiruppur confirming the conviction imposed in the judgment dated 08.11.2016 made in C.C.No.354 of 2015 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur, and enlarge the petitioner on bail pending disposal of the above CRL.RC.NO.179/2018. (CRL.MP.1565/2018)

(2) grant an order of exemption from surrendering before the trial court pursuant to the Judgment 08.11.2016 made in C.C.No.354 of 2015 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur, pending disposal of the above CRL.RC.NO.179/2018. (CRL.MP.1566/2018)

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.179 of 2018 on the file of the High Court and upon hearing the arguments of M/S.C.RAM KUMAR, Advocate for the petitioner (IN BOTH THE PETITIONS) the court made the following order:-

The petitioner/accused was convicted by the learned Judicial Magistrate, Fast Track Court, Tiruppur, in C.C.No.354 of 2015 dated 08.11.2016 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and to pay the fine of Rs.1,000/- in default, to undergo simple imprisonment for one month. The said conviction and sentence were confirmed by the learned Second Additional District and Sessions Judge, Tiruppur, in Crl.A.No.130 of 2016, dated 21.09.2017. As against which, the above criminal revision case is filed and now the petitioner/accused seeks to suspend the above said sentence

pending disposal of the above criminal revision case and also seeks an order of exception from surrendering before the trial Court.

2. Heard the learned counsel appearing for the petitioner and perused the records.

3. Considering the grounds raised in the memorandum of grounds of criminal revision and also considering the facts and circumstances of the case, this Court is of the view that the substantive sentence of imprisonment alone could be suspended pending revision subject to the following conditions:-

[i] The petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate, Fast Track Court, Tiruppur;

[ii] The petitioner shall deposit a sum of Rs.1,25,000/-, to the credit of C.C.No.354 of 2015 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur, within a period of eight weeks from the date of receipt of copy of this order and on further condition that

[iii] the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. till the disposal of the above criminal revision.

4. In view of the order passed in CrI.M.P.No.1565 of 2018 granting suspension of sentence to the petitioner, CrI.M.P.No.1566 of 2018, which was filed for exemption from surrendering before the trial Court, is ordered and the petitioner is exempted from surrendering before the trial Court.

-sd/-

18/07/2018

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 II, ADDL. DISTRICT AND
SESSIONS COURT, TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, TIRUPPUR.

+1 C.C. to M/S.C.RAM KUMAR Advocate on payment of necessary
charges=Sr.13379

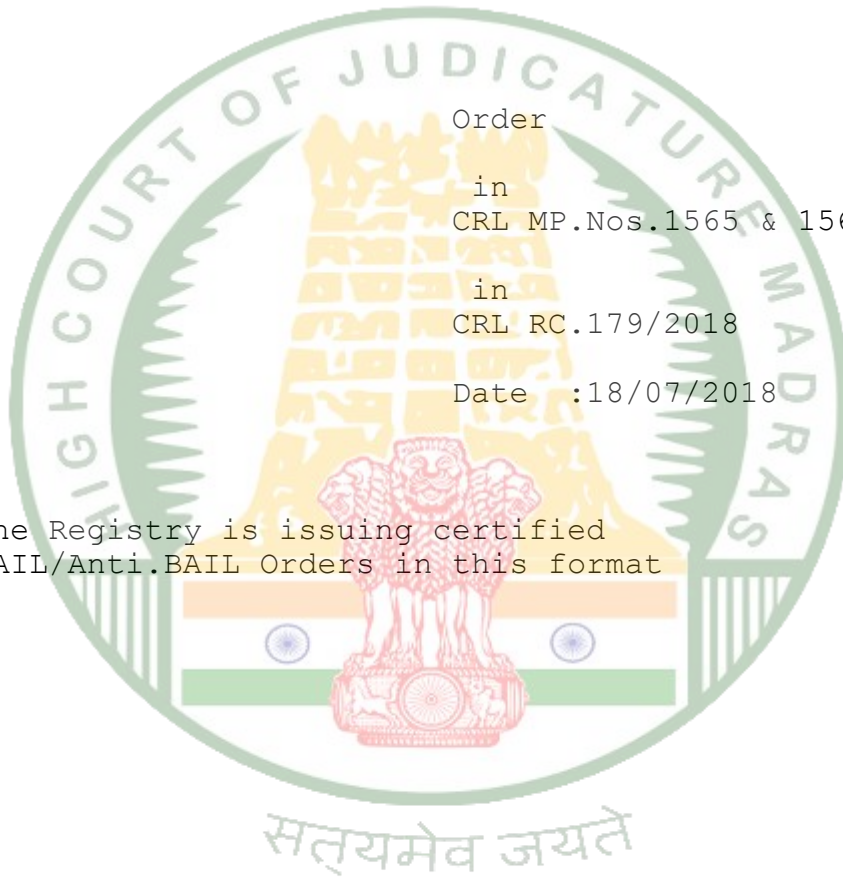
Order

in
CRL MP.Nos.1565 & 1566/2018

in
CRL RC.179/2018

Date :18/07/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 01.08.2018



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