

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.4616 of 2018

IN CRL RC.377/2018

C.RAJASEKARAN,

[PETITIONER]

Vs

K.RAVINDRAN,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.377/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by learned Metropolitan Magistrate, FTC-I, Egmore, Chennai in Cc NO.3030/2011 dated 31.07.2014 which was confirmed by Honourable XVIII Additional Sessions Judge at Chennai in CA No.212 of 2014 dated 07.09.2016.[CRL.MP.NO.4616/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.377/2018 on the file of the High Court and upon hearing the arguments of MR.JOHN SATHYAN FOR M/S.V.JAISANKAR Advocate for the petitioner and of M/S.V.V.SAIRAM Advocate for Respondent, the court made the following order:-

The petitioner/accused was convicted by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai, in C.C.No.3030 of 2011 dated 31.07.2014 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 cheque amount of Rs.18,00,000/- to the complainant towards compensation, and in default of payment of compensation, the accused has to undergo simple imprisonment for three months. The said conviction and sentence were confirmed by the learned XVIII Additional Sessions Judge, Chennai, in Crl.A.No.212 of 2014, dated 07.09.2016. As against which, the above criminal revision case is filed and now the petitioner/accused seeks to suspend the above said sentence.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

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 Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai;

[ii] The petitioner shall deposit 1/3 of the cheque amount before the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai, to the credit of C.C.No.3030 of 2011 with a period of eight weeks from today and on deposit of the said amount, the learned counsel for the petitioner is directed to file the copy of receipt of deposit 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 revision.

-sd/-
06/07/2018

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 XVIII ADDITIONAL SESSIONS
JUDGE, CHENNAI

2 THE METROPOLITAN MAGISTRATE,
FAST TRACK COURT NO.11, EGMORE, CHENNAI

3 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

+1 C.C. to M/S.V.JAISANKAR Advocate on payment of necessary
charges SR.NO. 12446

+1 C.C. to M/S.V.V.SAIRAM Advocate on payment of necessary
charges SR.NO. 12413

Order

in
CRL MP.4616/2018

in
CRL RC.377/2018

Date :06/07/2018

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RD 10/07/2018