

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION NOS.6095 & 6097 of 2018

IN CRL RC.506/2018

L.SRINIVASAN

[PETITIONER]

Vs

R.JAYAPRAKASH

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.506/2018 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence of imprisonment imposed in the judgment dated 20.02.2018 made in CA No.268 of 2017 on the file of the learned Principal Sessions Court, Erode, confirming the conviction imposed in judgment dated 19.07.2017 made in STC No.20 of 2015 on the file of the learned Judicial Magistrate (Fast Track Court No.II), Erode and enlarge the petitioner on bail pending disposal of the above CRL RC.506/2018 [IN CRL.MP.NO.6095 OF 2018]

[ii] grant an order of exemption from surrendering before the trial court in pursuance to the order dated 20.02.2018 made in CA No.268 of 2017 on the file of the learned Principal Sessions Court, Erode, confirming the conviction imposed in judgment dated 19.07.2017 made in S.T.C No.20 of 2015 on the file of the learned Judicial Magistrate (Fast Track Court No.II), Erode pending disposal of the above CRL RC.506/2018 [IN CRL.MP.NO.6097 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.506/2018 on the file of the High Court and upon hearing the arguments of M/S.M.GURUPRASAD, Advocate for the petitioner, the court made the following order:-

This petitioner was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment. Challenging the said order of conviction and sentence, pending revision, the petitioner has filed the present petition.

2. Considering the fact that as there are arguable points raised in the revision and taking into consideration, the facts and circumstances of the case and taking note of the fact that the

petitioner has paid the fine amount imposed by the Trial Court, this Court is inclined to suspend the sentence imposed on the petitioner/accused.

3. Accordingly, sentence of imprisonment alone is suspended and the petitioner shall be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the trial Court.

4. In view of the suspension of sentence, the petitioner is exempted from surrendering before the appellate Court, CrI.M.P.No.6097 of 2018 is ordered accordingly.

-sd/-
18/04/2018

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 PRINCIPAL SESSIONS COURT,
ERODE.

2 THE JUDICIAL MAGISTRATE,
[FAST TRACK COURT NO.II], ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

+1C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR NO.7730

Order

in
CRL MP.6095 & 6097 OF 2018

in
CRL RC.506/2018

Date :18/04/2018

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

MK:26/04/2018