

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 No.9097 AND 9098 of 2018

IN CRL RC.801/2018

R.SUBRAMANIAN

[PETITIONER

IN BOTH THE PETITIONS]

Vs

K.SURESH

[RESPONDENT

IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.801/2018 on the file of the High Court, the High Court will be pleased to

[I]suspend the sentence of imprisonment of the Petitioner pursuant to the judgment dated 25.04.2018 made in C.A.No.16 OF 2017 on the file of the Learned Principal Sessions Judge at Namakkal convicting the Petitioner under Section 138 of Negotiable Instruments Act by setting aside the acquittal made vide judgment dated 07.03.2017 made in S.T.C.No. 174 of 2016 on the file of the Learned Judicial Magistrate, Fast Track Court, Thiruchengode. [CRL.MP.NO.9097/2018]

[II]grant an order of exemption from surrendering before the trial court pursuant to the judgment dated 25.04.2018 made in C.A.No.16 OF 2017 on the file of the Learned Principal Sessions Judge at Namakkal convicting the Petitioner under Section 138 of Negotiable Instruments Act by setting aside the acquittal made vide judgment dated 07.03.2017 made in S.T.C.No. 174 of 2016 on the file of the Learned Judicial Magistrate, Fast Track Court, Thiruchengode. [CRL.MP.NO.9098/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.801/20189 on the file of the High Court and upon hearing the arguments of M/S.E.MOHAMED ABBAS Advocate for the petitioner [IN BOTH THE PETITIONS]the court made the following order:-

This petitioner was convicted by the trial Court for the offence under Section 138 of Negotiable Instrument Act 2012 and sentenced to undergo six months S.I and imposed with compensation of Rs.10,00,000/-, in default in payment of fine sentenced the accused to undergo simple imprisonment for a period of one month to the respondent/complainant. Challenging the said conviction and sentence, pending revision, the petitioner has filed the present petition.

2. The sentence of the imprisonment imposed on the petitioner shall stand suspend on condition that the petitioner shall deposit for a sum of Rs.5,00,000/- awarded by the Court below as compensation within a period of twelve weeks from today and on such deposit, the petitioner shall release 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 and on a further condition that the petitioner shall report before the trial Court on the first working day of every month at 10.30 a.m, pending disposal of the revision.

3. In view of the suspension of sentence, the petitioner is exempted from surrendering before the appellate Court and Crl.M.P.No.9098 of 2018 is ordered accordingly.

-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 PRINCIPAL SESSION JUDGE,
AT NAMAKKAL

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, THIRUCHENGODE

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL[FOR INFORMATION]

C.C. to M/S.E.MOHAMED ABBAS Advocate on payment of necessary charges

Order

in
CRL MP.9097 AND 9098 /2018

in
CRL RC.801/2018

Date :18/07/2018

From 7.2.2001 the Registry is issuing certified
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RD 20/07/2018