

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION NOS.9535 & 9536 of 2018

IN CRL RC.838/2018

MOHAN

[PETITIONER / RESPONDENT / ACCUSED]

Vs

JAYAPRAKASH

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.838/2018 on the file of the High Court, the High Court will be pleased to

[I] suspend the sentence made in C.A.No.83 of 2018 dated on 07.07.2018 on the file of II Additional District and Sessions Judge, Erode against the judgment passed in S.T.C. No.141 of 2017 dated 06.02.2018 by the Learned Judicial Magistrate, Fast Track - 1 Erode pending disposal in CRL.RC.NO.838 OF 2018 [IN CRL.MP.NO.9535 OF 2018]

[II] grant an order of exemption from surrendering before the Trial Court in pursuance to the reversal order in C.A.No.83 of 2018 dated on 07.07.2018 on the file of II Additional District and Sessions Judge, Erode against the order of acquittal made in S.T.C. No. 141 of 2017 on the file of Judicial Magistrate, Fast Track No.1 Erode, pending disposal in CRL.RC.NO.838 OF 2018 [IN CRL.MP.NO.9536 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.838/2018 on the file of the High Court and upon hearing the arguments of M/S.C.RAMKUMAR, 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 Negotiable Instrument Act and sentenced to undergo simple imprisonment for six months and also awarded compensation of Rs.7,50,000/- payable by the appellant/accused and in default in payment of compensation to the respondent/complainant sentenced the accused to undergo S.I for a period of one month. 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.2,50,000/- awarded by the Court below as compensation within a period of eight 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.9536 of 2018 is ordered accordingly.

-sd/-
19/07/2018

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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ERODE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK-I, ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

+1C.C. to M/S.C.RAMKUMAR Advocate on payment of necessary
charges SR NO.13443

Order

in
CRL MP.9535 & 9536 2018

in
CRL RC.838/2018

Date :19/07/2018

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

MK:20/07/2018