

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.9688 & 9689 of 2018

IN CRL RC.SR34502/2018

NATARAJ @ T.NATARAJAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

VENKATACHALAM

[RESPONDENT]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.SR34502/2018 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence ordered by the Learned Judicial Magistrate No.I, Erode in C.C.No.585 of 2009 dated 16.02.2016, in pending condone the delay of 566 day in filing this appeal against the till the pending disposal in CRL.RC.S.R.NO.34502 of 2018 in CRL.MP.9229 OF 2018 in C.A.NO.51 of 2016 in dated 21/09/2016 on the file of the I, Additional Sessions Judge, at Erode [IN CRL.MP.NO.9688 OF 2018]

[ii] exemption for surrender by the Learned Judicial Magistrate No.I, Erode in C.C.No.585 of 2009 in pending condone the delay of 566 day in filing this appeal against the till the pending disposal in CRL.RC.S.R.NO.34502 of 2018 in CRL.MP.9229 OF 2018 in C.A.NO.51 of 2016 in dated 21/09/2016 on the file of the I, Additional Sessions Judge, at Erode [IN CRL.MP.NO.9689 OF 2018]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.SR34502/2018 on the file of the High Court and upon hearing the arguments of M/S.S.DHANALAKSHMI, Advocate for the petitioner, the court made the following order:-

The petitioner/accused was convicted by the learned Judicial Magistrate No.I, Erode, in C.C.No.585 of 2009 dated 16.02.2016 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of six months. The said conviction and sentence were confirmed by the learned First Additional Sessions Judge, Erode, in Crl.A.No.51 of 2016, dated 21.09.2016. As against which, the above Crl.R.C.SR.No.34502 of 2018 is filed along with a petition in Crl.M.P.No.9229 of 2018 seeking to condone the delay of 566 days in filing the above revision and now, the petitioner/accused seeks to suspend the above said sentence pending the condone delay petition

No.9229 of 2018 and also seeks an order of exemption from surrendering before the trial Court.

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

3. Considering the facts and circumstances of the case and also considering the fact that the order under challenge (Crl.A.No.51 of 2016) was passed on 21.09.2016, this Court is of the view that the substantive **sentence of imprisonment alone could be suspended pending the condone delay petition** subject to the following conditions:-

[i] The petitioner shall deposit a sum of Rs.2,00,000/-, to the credit of C.C.No.585 of 2009 on the file of the learned Judicial Magistrate No.I, Erode, within a period of one week from the date of receipt of copy of this order;

[ii] On producing receipt for such deposit, 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 No.I, Erode 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 condone delay petition in Crl.M.P.No.9229 of 2018.

4. In view of the order passed in Crl.M.P.No.9688 of 2018 granting suspension of sentence to the petitioner on condition, Crl.M.P.No.9689 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/-
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 JUDICIAL MAGISTRATE,
NO.I, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE 1ST ADDITIONAL SESSIONS
JUDGE, ERODE.

+1C.C. to M/S.S.DHANALAKSHMI Advocate on payment of necessary
charges SR NO.48252

Order

in
CRL MP.9688 & 9689 OF 2018

in
CRL RC.SR34502/2018

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