

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26401 of 2018

C.K.Natarajan

...Petitioner

Versus

J.Rathnabai

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the learned Judicial Magistrate (Fast Track Court), Tiruppur to secure and remand the respondent to Judicial custody to undergo the punishment of imprisonment imposed by the learned Judicial Magistrate (Fast Track Court), Tiruppur in C.C.No.79 of 2013, dated 06.05.2015.

For Petitioner : Mr.S.Udhayakumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The respondent was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to one year Rigorous Imprisonment and also to pay a fine of Rs.1000/- i/d to undergo one month Simple Imprisonment. This Judgment was passed by the trial Court on 06.05.2015. Thereafter, the respondent filed an appeal before the learned I Additional District and Sessions Judge, Tiruppur and the appeal was also dismissed by Judgment dated 08.12.2016 confirming the conviction and sentence passed by the trial Court.

2. Thereafter, the respondent filed a revision before this Court in Crl.R.C. No.26 of 2017. This Court by an order dated 22.02.2018, dismissed the suspension of sentence petition.

3. The learned counsel for the petitioner would submit that as on today, the sentence imposed against the respondent has not been suspended and the respondent has not been secured and made to undergo the punishment imposed against him. The present petition has been filed to secure and remand the respondent to judicial custody in order to suffer the punishment

imposed by the trial Court.

4. In the facts and circumstances of the case, there shall be a direction to the learned Judicial Magistrate (Fast Track Court), Tiruppur to secure and remand the respondent to judicial custody to undergo the punishment of imprisonment imposed by the trial Court in C.C.No.79 of 2013, by Judgment dated 06.05.2015.

5. Accordingly, this Criminal Original Petition is allowed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate (Fast Track Court),
Tiruppur.
- 2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Udhayakumar, Advocate SR.NO.77626

sm:19.11.2018

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सत्यमेव जयते

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