

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventeenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION Nos.16243 & 16240 of 2018

IN CRL RC.1398/2018

A.THANGAVEL

[PETITIONER]

Vs

S.SELVARAJ

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1398/2018 on the file of the High Court, the High Court will be pleased to

(i) suspend the sentence imposed on the petitioner in C.C.No.664 of 2013 by the I Fast Track Court Judicial Magistrate, Coimbatore, dated 05.12.2017 which was modified by the I Addl. District and Sessions Judge, Coimbatore by the Judgment dt. 05.10.2018 made in Crl.A.No.435 of 2017, and release the petitioner on bail pending determination of this Criminal Revision by this Hon`ble Court. [IN CRL.MP.NO.16243 of 2018]

(ii) exempt the petitioner herein from surrendering in pursuant to the judgment in of the Learned Judicial Magistrate Fast Track Court No.1, Coimbatore in C.C.No.664 of 2013 in convicting the petitioner under section 138 of the Negotiable Instruments Act and convicted the sentence to undergo simple Imprisonment for 6 months and shall pay the compensation of Rs.3,60,000/-within two months failing which accused shall undergo default sentence of two months simple imprisonment. Aggrieved by the same the petitioner herein preferred an appeal in Appeal No.435 of 2017 before the I Additional District and Sessions Judge, Coimbatore. The learned Principal District Sessions Judge, also modifying the judgement of the Trial court by order dated 05.10.2018 and release the petitioner herein on bail pending disposal of the above Revision Case No.1398 of 2018. [IN CRL.MP.NO.16240 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1398/2018 on the file of the High Court and upon hearing the arguments of MR.VIJAYASHANKAR V., Advocate for the petitioner and of MR.G.HARIHARA ARUN SOMASANKAR GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

These miscellaneous petitions have been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 05.10.2018 in Criminal Appeal No.435 of 2017 on the file of the I Additional District and Sessions Court, Coimbatore, and to exempt the surrender of the petitioner respectively, and enlarge the petitioner on bail pending disposal of the above criminal revision.

2. Heard both sides.

3. Having regard to the facts and circumstances of the case, these miscellaneous petitions are allowed and the substantive sentence of imprisonment alone is suspended on condition that the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the credit of C.C.No.664 of 2013 on the file of the Judicial Magistrate, Fast Track Court No.1 at Magistrate Level, Coimbatore and further the petitioner shall execute 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, Fast Track Court No.1 at Magistrate Level, Coimbatore. Further, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders.

-sd/-
17/12/2018

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 DISTRICT SESSIONS JUDGE,
COIMBATORE.

2 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

3 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.1,
MAGISTRATE LEVEL, COIMBATORE.

4 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE. [FOR INFORMATION]

+1C.C. to MR.VIJAYASHANKAR V. Advocate on payment of necessary
charges in SR.NO. 24249

Order

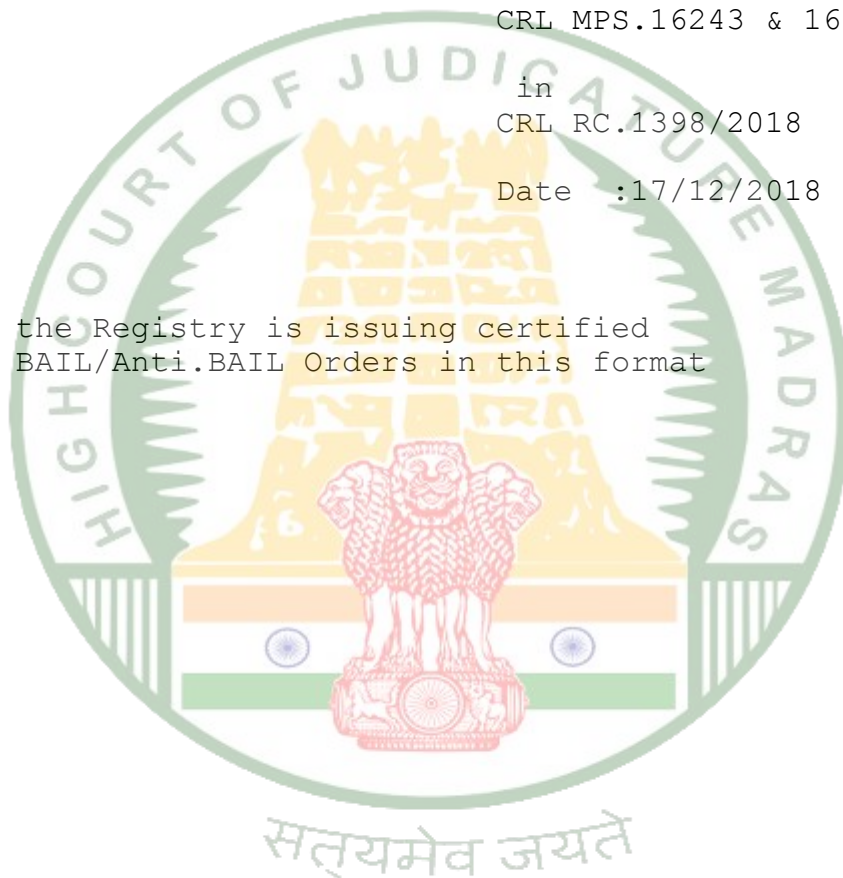
in
CRL MPS.16243 & 16240 OF 2018

in
CRL RC.1398/2018

Date :17/12/2018

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

MLT-19/12/2018



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