

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.15921 of 2018

IN CRL A.526/2011

S.BABU

[PETITIONER]

Vs

A.SUNDARAMURTHY

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to enlarge the petitioner on bail in connection with Crl.A.526 of 2011 pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of MR.S.ELAMVAZHUDI SENIOR COUNSEL FOR M/S.D.PRABU Advocate for the petitioner and of M/S.P.V.SANJEEV Advocate on behalf of the Respondent, the court made the following order:-

For the sake of convenience, the parties will be referred to as the complainant and the accused. The accused was convicted in C.C.No.9850 of 2005 by the learned VIII Metropolitan Magistrate, George Town, Chennai under Section 138 of the Negotiable Instruments Act and was sentenced to undergo six months SI and pay compensation of Rs.3,25,000/- to the complainant. Challenging the conviction and sentence, the accused filed Criminal Appeal No.216 of 2010, in which, the learned VI Additional District and Sessions Judge, Chennai, acquitted him on 22.03.2011. Challenging the acquittal, the complainant has filed the present appeal in Crl.A.No.526 of 2011.

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2.On receiving notice, the accused entered appearance through Mr.Dhanasekaran, Advocate. The matter was posted for final hearing on several days and the learned counsel did not appear before this Court. Therefore, this Court, in exercise of the powers under Section 390 Cr.P.C., issued warrant for arrest of the accused, pursuant to which, the Inspector of Police, C-1, Flower Bazaar Police Station, has arrested the accused and has produced him before this Court. Now, the accused is in the custody of this Court.

3.Mr.S.Elamvazhudi, learned Senior Counsel appearing for Mr.D.Prabhu, learned counsel for the accused submitted that the earlier counsel had failed to appear before this Court, on account of which, the accused had to suffer arrest. He contended that he is ready and willing to proceed with the appeal.

4.Learned counsel for the complainant submitted that the appeal has been kept pending from 2011 without any progress, on account of the dilatory tactics adopted by the accused.

5.Be that as it may, the accused is facing a charge under Section 138 of the Negotiable Instruments Act, which is bailable and that apart, the present appeal is an appeal against acquittal. Under such circumstances, this petition is allowed and the accused is released on bail, on he executing a bond for Rs.5,000/- with two sureties to the satisfaction of the Deputy Registrar, Criminal Section, High Court, Madras. On release, the accused shall appear before this Court on every hearing date of this appeal.

-sd/-
27/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.VIII,GEORGE TOWN ,CHENNAI

2 THE DEPUTY REGISTRAR
CRIMINAL SIDE, HIGH COURT,MADRAS

3 THE VI ADDITIONAL DISTRICT AND
SESSIONS JUDGE,CHENNAI

+2 C.C. to M/S.D.PRABU Advocate on payment of necessary charges
SR.NO. 22429

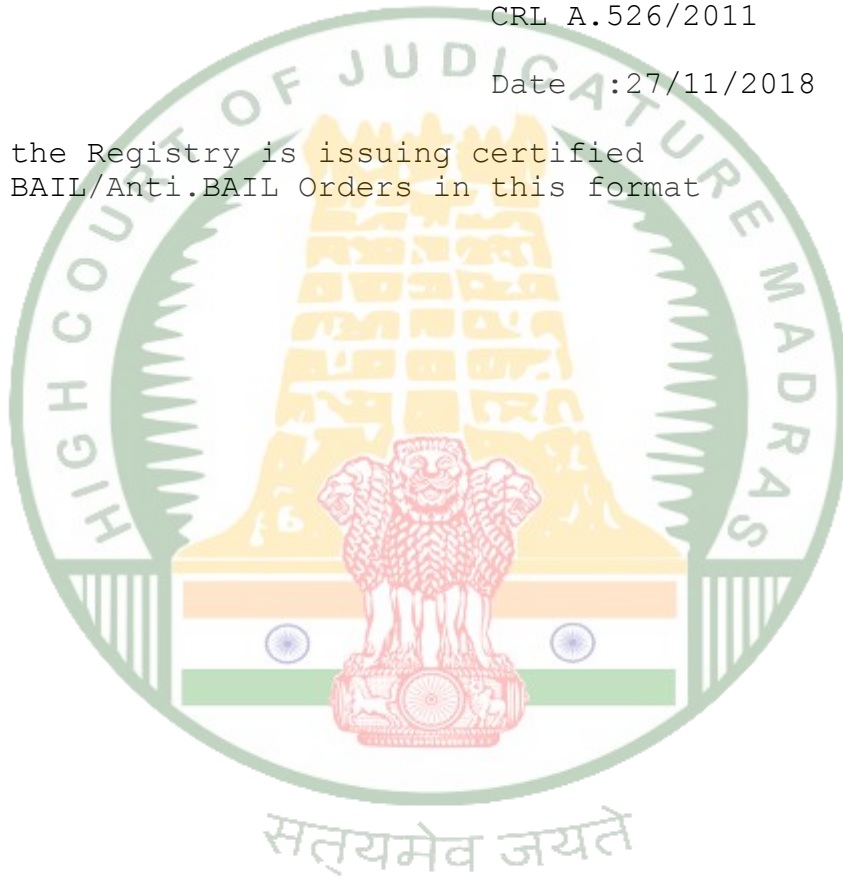
Order

in
CRL MP.15921/2018

in
CRL A.526/2011

Date :27/11/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 28/11/2018



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