



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Second day of October Two Thousand Eighteen
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) Nos.8356 and 8357 of 2018
IN
CRL RC(MD) No.581 of 2018

T. APPAVU

... PETITIONER/APPELLANT/SOLE ACCUSED
IN BOTH PETITIONS

Vs

SRI GOKULAM CHIT FUNDS PVT.,
REP BY ITS ASSISTANT PROFESSIONAL MANAGER,
S.PERUMAL,

... RESPONDENT/RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

Prayer in CRL MP(MD). 8356/ 2018 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and conviction passed in Crl.A.No.37/2018 on the file of Additional Sessions Judge, Karur Dated 13/06/2018 confirming the Judgement of conviction passed in C.C.No.445/2013 dated 13/03/2017 on the file of the Fast Track Court at Judicial Magistrate Level, Karur pending disposal of the above Crl.R.C

Prayer in CRL MP(MD). 8357/ 2018 :

To exempt the petitioner from surrendering himself before the in C.C.No.445/2013 dated 13/03/2017 on the file of the Fast Track Court at Judicial Magistrate Level, Karur pending disposal of the above Crl.R.C

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.DEEPAK, Advocate for the petitioner in both petitions while admit CRL RC the court made the following order:-

The petitioner is the sole accused in C.C.No.455 of 2013 on the file of the Fast Track Court at Judicial Magistrate Level, Karur. By judgment dated 13.03.2017, he has been convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for thirty days. Challenging the same, he has filed an appeal in Crl.A No.37 of 2018 on the file of the learned Additional Sessions Judge, Karur and the first appellate Court has confirmed the order of the court below by judgment dated 13.06.2018. Challenging the same, the petitioner is before this Court with Crl.R.C.(MD) No.581 of 2018. Pending disposal of the same, the petitioner has come forward with these



petitions seeking exemption to the petitioner from surrendering before the trial Court and suspension of substantive sentence of imprisonment.

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

3. Since certain arguable points have been raised by the learned counsel for the petitioner, this Court is inclined to exempt the petitioner from surrendering before the Trial Court and also grant suspension the sentence till the disposal of the revision.

4. Accordingly, these petitions are allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is directed to be enlarged on bail, on the following conditions:

(i) The petitioner herein shall deposit a sum of Rs.40,000/- to the credit of C.C.No.455 of 2013 on the file of the Fast Track Court at Judicial Magistrate Level, Karur on or before 01.11.2018.

(ii) 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 Fast Track Court at Judicial Magistrate Level, Karur.

5. Post the matter on 02.11.2018.

sd/-

22/10/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE FAST TRACK COURT,
AT JUDICIAL MAGISTRATE LEVEL,
KARUR.

+2. C.C. to M/S.C.DEEPAK Advocate SR.No.20143,20144

PS/RR.SAR-1:29/10/2018:2P/4C

ORDER

IN

CRL MP (MD) Nos.8356 and 8357 of 2018

IN

CRL RC (MD) No.581 of 2018

Date :22/10/2018