



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

Monday, the Twenty Seventh day of August Two Thousand Eighteen

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) Nos.6713 and 6714 of 2018

IN

CRL RC(MD) No.491 of 2018

J.ANANDHI MERCILIN

... PETITIONER/PETITIONER
IN BOTH THE PETITIONS

Vs

MR.K.S.BALU

... RESPONDENT/RESPONDENT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD) .6713/2018 :

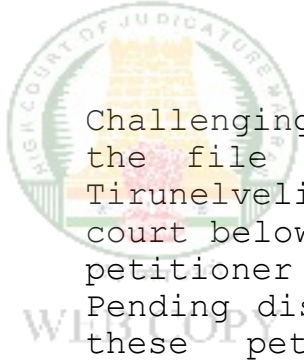
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the Learned Judicial Magistrate No. IV, Tirunelveli in STC No. 450 of 2010 dated 10.04.2017 and confirming the judgment passed by the learned III Additional District Sessions Court, Tirunelveli dated 11.06.2018 in CA.No. 30/2017 and enlarge the petitioner on bail pending disposal of the main revision.

Prayer in CRL MP(MD) .6714/2018 :

To exempt the petitioner from surrendering before the trial Court pursuant to the Judgment and sentence passed by the Learned Judicial Magistrate No. IV, Tirunelveli in STC No. 450 of 2010 dated 10.04.2017 and confirming the judgment passed by the learned III Additional District Sessions Court, Tirunelveli dated 11.06.2018 in CA.No. 30/2017 in the main revision.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.N.DILIP KUMAR, Advocate for the petitioner in both the petitions, while admittin the CRL RC., the court made the following order:-

The petitioner is the sole accused in S.T.C.No.450 of 2010 on the file of the Judicial Magistrate Court No.IV, Tirunelveli. By judgment dated 10.04.2017, 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 compensation of Rs.1,30,000/- to the respondent within three months in default to undergo simple imprisonment for an additional period of one month.



Challenging the same, he has filed an appeal in C.A No.30 of 2007 on the file of the Third Additional District and Sessions Court, Tirunelveli and the appellate Court has confirmed the order of the court below by judgment dated 11.06.2018. Challenging the same, the petitioner is before this Court with Crl.R.C.(MD) No.491 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.1,00,000/- to the credit of S.T.C.No.450 of 2010 on the file of the learned Judicial Magistrate No.IV, Tirunelveli, on or before 15.09.2018.

(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 learned Judicial Magistrate No.IV, Tirunelveli and on further condition that the petitioner shall report before the trial Court on the first working day of every English calender month at 10.30 a.m. until further orders.

5. Post the Crl.R.C(MD)No.491 of 2018 on 17.09.2018.

sd/-
27/08/2018

/ TRUE COPY /

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

TO



2 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI DISTRICT

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

+1. C.C. to MR.N.DILIP KUMAR Advocate SR.No.16294

ORDER IN
CRL MP(MD)Nos.6713 & 6714 of 2018
IN CRL RC(MD) No.491 of 2018
Date :27/08/2018

PK/RR/SAR-1/04.09.2018 : 3P/5C