

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.4273 of 2019

IN CRL RC.328/2019

JOTHIRAMALINGASWAMY

[PETITIONER]

Vs

KAWARLAL

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.328/2019 on the file of the High Court, the High Court will be pleased to suspension of the sentence of the order of conviction dated 30.07.2018 C.A.No.95 of 2018 by the XV Additional Session Court at Chennai and reversing the order of acquittal dated 11.01.2018 passed in CC No.3588/12 by the learned Metropolitan Magistrate fast Track Court-II, Egmore at Alikulam Chennai-3 pending disposal of the above main criminal Revision petition. [CRL.MP.NO.4273/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.328/2019 on the file of the High Court and upon hearing the arguments of M/S.A.BALASINGH RAMANUJAM, Advocate for the petitioner the court made the following order:-

The accused was acquitted by the trial Court on 11.01.2018, challenging which, the complainant preferred Crl.A.No.95 of 2018, in which, the Sessions Court has convicted the accused under Section 138 of the Negotiable Instruments Act, 1881 on 30.07.2018 and has sentenced him to undergo Imprisonment Till Rising of the Court by surrendering before the trial Court on 28.09.2018 at 10.30 a.m. The Sessions Court has also directed the accused to pay Rs.5,00,000/- (Rupees five lakhs only) as compensation to the complainant, in default to undergo simple imprisonment for six months.

2.Taking into consideration the facts and circumstances of the case, this Court directs the accused to deposit Rs.1,00,000/- (Rupees one lakh only) before the trial Court to the credit of C.C.No.3588 of 2012 on the file of the Metropolitan Magistrate Court, Fast Track Court No.II, Egmore, Chennai within four weeks from the date of receipt of a copy of this order and execute a bond for Rs.5,000/- (Rupees five thousand only) with two sureties, undertaking to appear before the trial Court and undergo the sentence of Imprisonment Till Rising of the Court and pay the compensation amount awarded by the Sessions Court, in the event of the revision petition being

dismissed. The trial Court shall redeposit the sum of Rs.1,00,000/- in a fixed deposit account, so that the amount accrues interest. The amount so deposited with interest shall be disbursed either to the complainant or to the accused depending upon the outcome of the present revision petition.

-sd/-

04/06/2019

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 METROPOLITAN MAGISTRATE,
COURT FAST TRACK COURT NO.II,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE XV ADDITIONAL SESSIONS
COURT AT CHENNAI

+1 C.C. to M/S.A.BALASINGH RAMANUJAM Advocate on payment of
necessary charges SR.NO. 10639

सत्यमेव जयते
Order

in
CRL MP.4273/2019

in
CRL RC.328/2019

Date :04/06/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 06/06/2019