

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.137 OF 2019

& CRL.RC.NO.72 OF 2017

J.SAYAD SAMEER

[PETITIONER]

Vs

1 A.RIYAZ AHAMED

[RESPONDENT]

2 STATE REP.BY
THE PUBLIC PROSECUTOR,
ERODE.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.72 OF 2019. on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 23.11.2006 made in C.A.No.25 of 2016 on the file of the learned I Addl. District Sessions Court, Erode confirming the conviction imposed in judgment dated 12.02.2016 made in STC No.454 of 2012 on the file of the Learned Judicial Magistrate (Fast Track Court No.I Magisterial Level), Erode, and enlarge the petitioner on bail pending disposal of the above CRL.RC.NO.72 OF 2019 [IN CRL.MP.NO.137 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.72 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.R.VIVEKANANTHAN, Advocate for the petitioner and of M/S.M.GURUPRASAD Advocate on behalf of the 1st Respondent, MR.G.HARIHARA ARUN SOMA SANKAR Govt. Advocate (Crl. Side) on behalf of the 2nd Respondent the court made the following order:-

The petitioner/appellant was convicted for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo 6 months Simple Imprisonment and imposed with a fine of Rs.5,000/-, in default, to undergo 15 days Simple Imprisonment by the learned Judicial Magistrate, Fast Track Court No.I, Magisterial Level, Erode, under judgment in S.T.C.No.454 of 2012, dated 12.02.2016. The said conviction and sentence were confirmed by the learned Additional District and Sessions Judge, Erode, vide judgment dated 23.11.2016 in Crl.A.No.25 of 2016. Hence, the petitioner seeks suspension of sentence.

2.It is represented on behalf of the petitioner/accused that the petitioner is ready and willing to deposit the entire cheque amount to the credit of S.T.C.No.454 of 2012, on the file of the Judicial Magistrate, Fast Track Court No.I, Erode, within a period of two weeks from the date of receipt of a copy of this order.

3.In view of the undertaking given by the learned counsel for the petitioner, this Court is inclined to suspend the sentence and enlarge the petitioner on bail. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that he 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.I, Erode and on further condition that the petitioner shall report before the trial Court once in a month, i.e. on the first working day of every month at 10.30 a.m., pending disposal of the revision case.

-sd/-

10/01/2019

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 I ADDITIONAL DISTRICT &
SESSIONS COURT, ERODE.

2 THE JUDICIAL MAGISTRATE,
[FAST TRACK COURT NO.I, MAGISTERIAL LEVEL],
ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE PUBLIC PROSECUTOR,
ERODE.

+1C.C. to M/S.R.VIVEKANANTHAN Advocate on payment of necessary charges SR NO.1164

+1C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR NO.1161

Order

in
CRL MP.137/2019

in
CRL.RC.NO.72/2017

Date :10/01/2019

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

MK:22/01/2019



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