

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.1886 & 1888 of 2019

IN CRL A.70/2019

M.SAMPATHKUMAR

[PETITIONER

in both the petitions]

Vs

A.K.KHAJA IMAM

[RESPONDENT

in both the petitions]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.700/2019 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 28.11.2018 made in C.A.No.3 of 2018 on the file of the Learned Third Additional Sessions Court, Salem by sentencing him to undergo one year rigorous imprisonment and to pay the cheque amount of Rs.4,50,000/- as compensation under sec. 138 of the Negotiable instruments Act by reversal of the judgment dated 15.11.2017 made in S.T.C.No.132 of 2016 on the file of the learned Judicial Magistrate No.1, sankari and enlarge the petitioner on bail pending disposal of the above criminal Appeal.[CRL.MP.NO.1886/2019]

[ii]Exemption from surrendering before the trial court pursuant to the Judgement dated 28.11.2018 made in C.A.No.3 of 2018 on the file of the Learned Third Additional Sessions Court, Salem by reversal of the judgment of acquittal dated 15.11.2017 made in S.T.C.No.132 of 2016 on the file of the learned Judicial Magistrate No.1, sankari pending disposal of the above criminal Appeal. [CRL.MP.NO.1888/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.700/2019 on the file of the High Court and upon hearing the arguments of M/S.N.MANOKARAN Advocate for the petitioner , the court made the following order:-

These miscellaneous petitions have been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 28.11.2018 in C.A.No.3 of 2018 by the learned Third Additional Sessions Judge, Salem, by sentencing him to undergo one year rigorous imprisonment and to pay the cheque amount of Rs.4,50,000/- as compensation under Section 138 of Negotiable Instruments Act by reversing the judgment dated 15.11.2017 made in S.T.C.No. 132 of 2016 on the file of the learned Judicial Magistrate No.1, Sankari acquitting the appellant/accused and to exempt the surrender of the petitioner

respectively, and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. Heard both sides.

3. Having regard to the facts and circumstances of the case, these miscellaneous petitions are ordered and the substantive sentence of imprisonment alone is suspended and the petitioner is released on bail on condition that the petitioner shall deposit 20% of the cheque amount to the credit of S.T.C.No.132 of 2016 on the file of the learned Judicial Magistrate No.I, Sankari, within a period of three weeks from the date of receipt of a copy of this order. Further 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.I, Sankari, and the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders. In case any of the conditions are not complied with, the interim order of suspension of sentence shall stand vacated automatically without further reference to this Court.

-sd/-

01/02/2019

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 JUDICIAL MAGISTRATE,
NO.I, SANKARI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE THIRD ADDITIONAL SESSIONS
JUDGE, SALEM

+2 C.C. to M/S.N.MANOKARAN Advocate on payment of necessary
charges SR.NO. 2443,2444

Order

in
CRL MP.Nos.1886 & 1888/2019

in
CRL A.70/2019

Date :01/02/2019

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RD 05/02/2019