

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.3308 of 2019

IN CRL.RC.NO.288 OF 2019

P.PALANI

[PETITIONER]

Vs

D.JAGANATHAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.288 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of 6 month imprisonment in default to pay the cheque amount of Rs.1,00,000/- imposed on the petitioner in CA.No.409 of 2018 by the Learned XV Addl.Sess.Judge, Chennai against the order dt.13.12.2013 passed in CC.No.10975 of 2004 by the Learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, pending disposal of the above Crl.R.C.No.288 of 2019 by this Hon`ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.288 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.M.SHAJAHAN, Advocate for the petitioner the court made the following order:-

The petitioner was the accused in C.C.No.10975 of 2004 on the file of the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai. The trial Court has acquitted him for the offence under Section 138 of the Negotiable Instrument Act. Aggrieved by the order of acquittal, the defacto complainant has preferred an appeal before the XV Additional Sessions Court, Chennai in Crl.A.No.409 of 2018. The lower appellate Court after considering the oral and documentary evidence found the accused guilty for the offence under Section 138 of the Negotiable Instrument Act and the lower appellate Court has directed the petitioner to pay the cheque amount of Rs.1,00,000/- to the complainant within two months failing which the accused was sentenced to undergo Simple Imprisonment of six months. Against the said sentence, the present revision petition has preferred by the accused.

2 Pending the appeal, the petitioner has taken out a petition to suspend the conviction and sentence of 6 months imprisonment in default to pay the cheque amount of Rs.1,00,000/- imposed on the petitioner in Crl.A.No.409 of 2018 by the learned XV Additional Sessions Judge, Chennai against the order dated 13.12.2013 passed in C.C.No.10975 of 2004.

3 Heard the submission made by the learned counsel for the revision petitioner.

4 Considering the submissions made by petitioner, the petition is ordered and the substantive sentence of imprisonment alone is suspended for a period of eight weeks from today and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- [Rupees one lakh only] with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, within a period of eight weeks from today, failing which this order shall automatically stand cancelled.

Notice.

-sd/-

05/03/2019

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 XV ADDITIONAL SESSIONS
JUDGE, CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
FAST TRACK COURT NO.IV,
GEORGE TOWN, CHENNAI.

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

+1C.C. to M/S.M.SHAJAHAN Advocate on payment of necessary charges in SR.NO. 4581

Order

in

CRL MP.3308/2019
IN CRL.RC.NO.288 OF 2019

Date :05/03/2019

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