

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.3312 of 2019

in CRL.RC.NO.289 OF 2019

V.BALASUBRAMANIAN

[PETITIONER]

Vs

K.ELANGO

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.289/2019 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence passed by the Principal Sessions Judge at Thiruvallur by the way of order dated 27.07.2018 in Crl.A.No.60 of 2017 thereby confirming conviction and sentence passed by the Fast Track Court, Poonamallee in S.T.C.No.243/2013 by way of judgment and order dated 07.04.2017 pending disposal of the above criminal Revision.[CRL.MP.NO.3312/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.289/2019 on the file of the High Court and upon hearing the arguments of M/S.P.BALAMURUGAN Advocate for the petitioner the court made the following order:-

The petitioner is the accused in S.T.C.No.243 of 2013 on the file of the Fast Track Court (Magisterial Level No.II), Poonamallee and he was convicted and sentenced for the offence under Section 138 of the Negotiable Instrument act and to pay a fine of Rs.4,24,000/- towards compensation under Section 357(3) of the Criminal Procedure Code within a period of two months. In case of default of compensation, the accused has to undergo two weeks simple imprisonment and in case of any deposit, if it is made that shall be deducted in the compensation amount. Against which, the accused preferred an appeal in Crl.A.No.60 of 2017 and the same was confirmed by the lower appellate Court. Aggrieved by the order of conviction and sentence passed by the first appellate court, the present revision case is preferred.

2 Pending the appeal, the petitioner has taken out a petition to suspend the conviction and sentence passed by the learned Principal Sessions Judge at Tiruvallur dated 27.07.2018 in Crl.A.No.60 of 2017 confirming the conviction and sentence passed by the trial Court in STC No.243 of 2013.

3 Heard the submission made by the learned counsel for the petitioner/appellant.

4 Considering the submissions made on side of the 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 deposit a sum of Rs.2,00,000/-(Rupees two laksh only) in cash to the credit of S.T.C.No.243 of 2013 on the file of the Fast Track Court (Magisterial Level No.II), Poonamallee and the petitioner shall execute a bond for a sum of Rs.2,00,000/-[Rupees two lakhs only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Poonamallee, 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 JUDICIAL MAGISTRATE,
FAST TRACK COURT, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
POONAMALLEE[FOR INFORMATION]

3 THE FAST TRACK COURT
MAGISTERIAL LEVEL NO.II, POONAMALLEE

4 THE PRINCIPAL SESSIONS JUDGE
THIRUVALLUR

+1 C.C. to M/S.P.BALAMURUGAN Advocate on payment of necessary charges SR.NO. 4623

Order

in
CRL MP.3312/2019

in CRL.RC.NO.289 OF 2019

Date :05/03/2019

From 7.2.2001 the Registry is issuing certified
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RD 05/03/2019