

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of May Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6603 of 2019

in CRL.R.C.No.438 of 2019

R.MURUGESAN

[PETITIONER/APPELLANT]

Vs

S.KARTHIKEYAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.No.438 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the Petitioner in C.A.No.104 of 2017 by The II Additional District and Sessions Judge, Salem by judgment dated 23.10.2018 confirming the conviction and the sentence imposed on the petitioner in STC No.608 of 2016 on the file of the Judicial Magistrate No.III, Salem by the judgment dated 24.07.2017 and suspend the order for payment of compensation of Rs.10 lakhs u/s.357 (3) Cr.P.C., pending disposal of the CRL.R.C.No.438 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.No.438 of 2019 on the file of the High Court and upon hearing the arguments of M/S.B.VASUDEVAN, Advocate for the petitioner, the court made the following order:-

The Criminal Revision Petition has been filed as against the Judgment passed by the learned III Additional District and Sessions Judge, Salem in Crl.A.No.104 of 2017 dated 23.10.2018, confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate No.III, Salem in STC No.608 of 2016 dated 24.07.2017, for an offence under Section 138 of Negotiable Instrument Act and set aside the fine of Rs.5,000/- and directed the petitioner to pay a sum of Rs.10 lakhs to the complainant under Section 357(3) Cr.PC, within 3 months and in default to undergo simple imprisonment for further three months. Pending Revision, the petitioner has filed the above miscellaneous petition seeking suspension of sentence of imprisonment and compensation.

2. Heard the learned counsel for the petitioner.

3. The sentence imposed by the Court below in STC No.608 of 2016 dated 24.07.2017, is suspended and the petitioner shall be enlarged on bail, subject to the following conditions :-

(a) The petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five lakhs only) in STC No.608 of 2016 on the file of learned Judicial Magistrate No.III, Salem, within a period of four weeks from the date of receipt of copy of this order.

(b) The petitioner shall execute a bail 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 III, Salem. This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned Judicial Magistrate III, Salem on the first working day of every English Calendar Month at 10.30 am, until further orders.

(d) If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned Judicial Magistrate III, Salem shall immediately issue non-bailable warrant and secure the petitioner to serve the remaining sentence imposed against the petitioner.

-sd/-

09/05/2019

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.III
SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SALEM

+2 C.C. to M/S.B.VASUDEVAN Advocate on payment of necessary
charges SR.NO.9677, 9678

Order

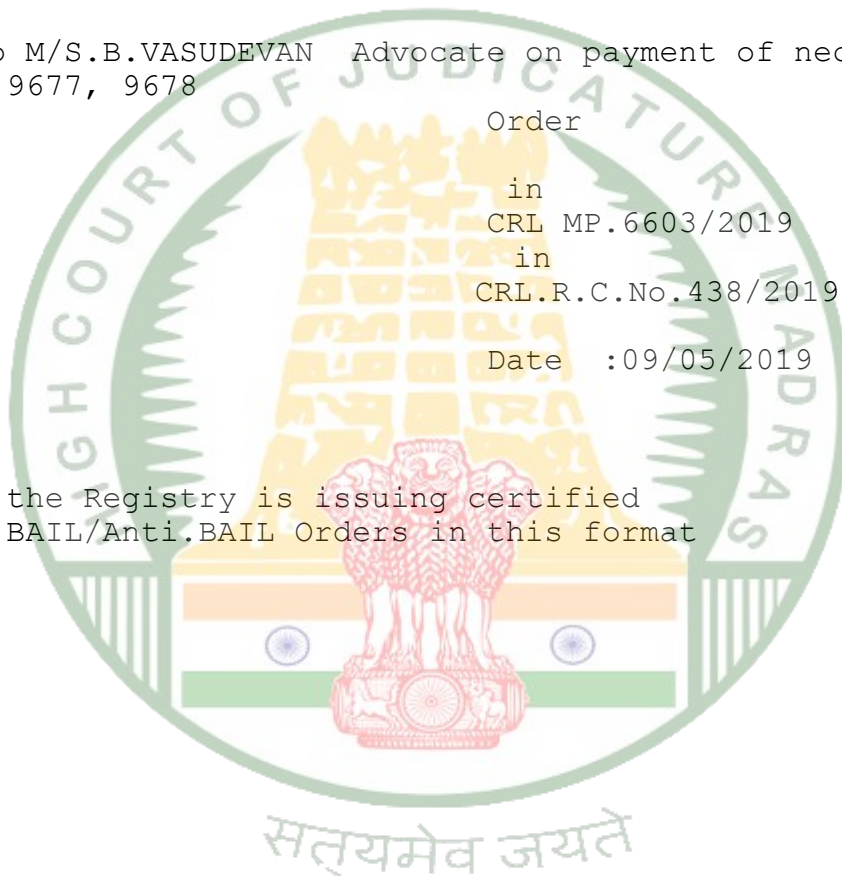
in
CRL MP.6603/2019

in
CRL.R.C.No.438/2019

Date :09/05/2019

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

cm 14/05/2019



WEB COPY