

Crl.RC.No.374 of 2019
and
Crl.MP.No.5496 of 2019

P.N.PRAKASH, J.

The petitioner was convicted by the Judicial Magistrate - II, Salem in C.C.No.520 of 2006 dated 03.09.2014 for the offence under Section 138 of the Negotiable Instruments Act, 1881 and has been convicted and sentenced to undergo one year simple imprisonment and pay the cheque amount of Rs.2,10,000/- as compensation in default to undergo three months simple imprisonment.

2. It is seen that the petitioner has deposited Rs.1,00,000/- to the credit of C.C.No.520 of 2006 before the Judicial Magistrate - II, Salem on 17.09.2010.

3. The appeal in Crl.A.No.148 of 2014 filed by the petitioner has been dismissed by the First Additional District Judge, Salem on 26.09.2018. After the dismissal of the appeal, it appears that the petitioner has paid Rs.1,50,000/- to the complainant on 19.03.2019, as full and final settlement of all claims. However, the conviction and sentence imposed by the Courts below, stares at the face of the petitioner and therefore, he has filed the above petition and seeking suspension of sentence and bail.

4. Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner that there are several infirmities in the prosecution case and that there are arguable points involved in the revision petition and further, the revision petition is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Taking into consideration the grounds raised by the petitioner, the relief of suspension of sentence and bail is granted on the following conditions:-

i. The petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate – II, Salem;

ii. the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

iii. the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every month until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.



29.08.2019

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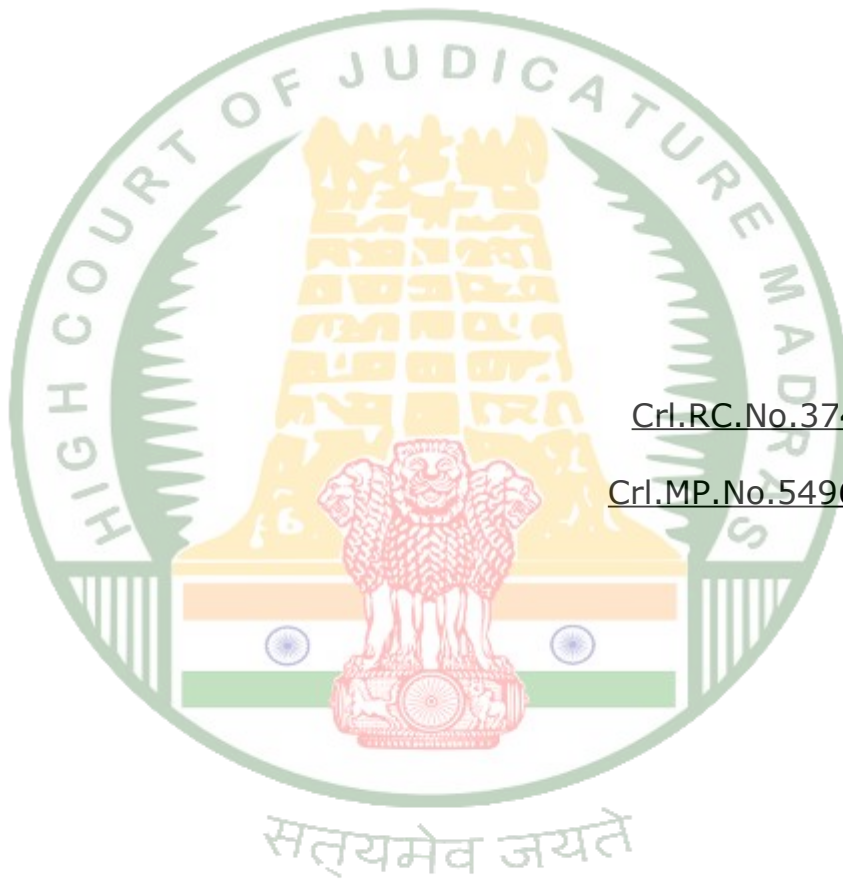
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