

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6437 of 2019

IN CRL RC.412/2019

JAYAPRAKASH

[PETITIONER]

Vs

BALU

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.412/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the Judgement passed in Crl.A.No.1 of 2018 dated 22.04.2019 on the file of the III Additional District and Sessions Court at Kallakurichi in confirming the order of conviction dated 29.12.2017 passed in C.C.No.146 of 2016 on the file of the Fast Track Magistrate at Kallakurichi and sentencing the petitioner to undergo one year simple imprisonment under section 138 of the Negotiable instruments Act, 1882 and to pay fine/compensation of Rs.7,50,000/- under section 357 of the criminal procedure code, 1973 and enlarge the petitioner on bail pending disposal of the above criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.412/2019 on the file of the High Court and upon hearing the arguments of M/S.R.JAYAPRAKASH Advocate for the petitioner the court made the following order:-

The Criminal Revision petition has been filed as against the Judgment of the learned III Additional District Sessions Court made in C.A No.1 of 2018 dated 22.04.2019, confirming the order of conviction and sentence passed by the learned Fast Track Magistrate at Kallakurichi in C.C.No.146 of 2016 dated 29.12.2017 to undergo one year simple imprisonment, under Section 138 of the Negotiable Instruments Act, 1882 and to pay fine/compensation of Rs.7,50,000/- under Section 357 of the Criminal Procedure code, 1973. Pending appeal, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. Heard the learned counsel for the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The sentence imposed by the Court below in C.C.No.146 of 2016 is suspended, subject to the following conditions :-

(a) The petitioner is directed to deposit a sum of Rs.3,75,000/- (Rupees three lakhs seventy five thousand only) in C.C.No.146 of 2016 on the file of Fast Track Magistrate Court at Kallakurichi, within a period of three 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 Fast Track Magistrate Court, Kallakurichi. 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 Fast Track Magistrate Court, Kallakurichi, on the first working day of the 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 Fast Track Magistrate Court, Kallakurichi, shall immediately issue non-bailable warrant and secure the petitioner to serve the remaining sentence imposed against the petitioner.

-sd/-

08/05/2019

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.

WEB COPY

TO

1 THE FAST TRACK MAGISTRATE
COURT AT KALLAKURICHI

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

3 THE III ADDITIONAL DISTRICT
SESSIONS COURT AT KALLAKURICHI

+1 C.C. to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges SR.NO. 9219

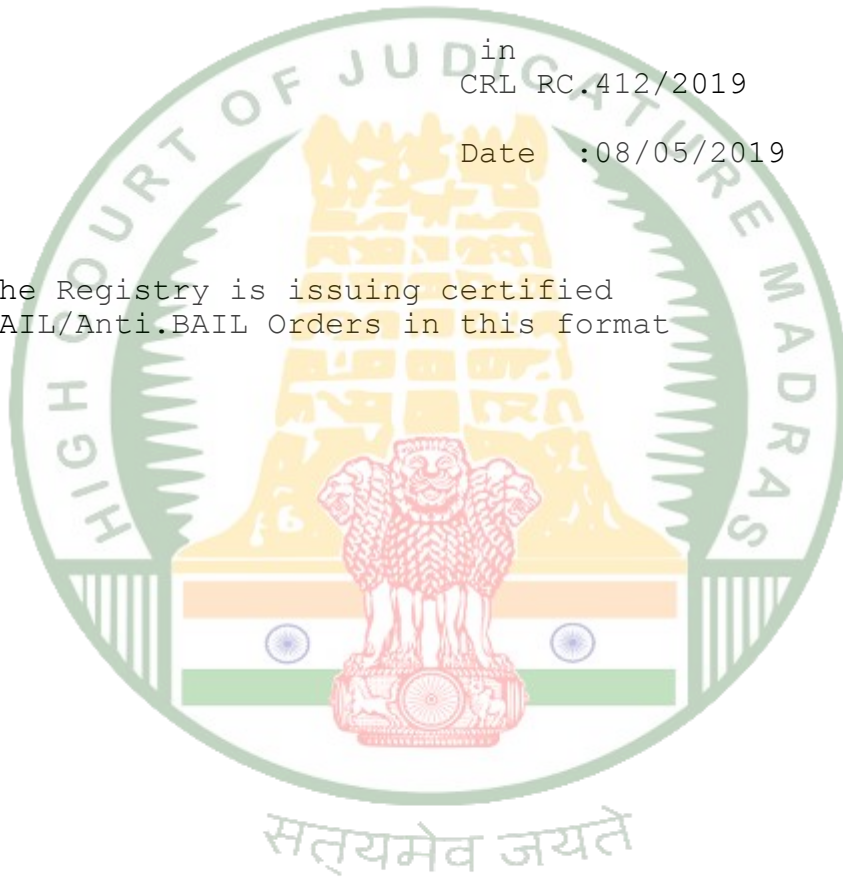
Order

in
CRL MP.6437/2019

in
CRL RC.412/2019

Date :08/05/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 10/05/2019



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