

Crl.MP.No.6695 of 2019
in
Crl. A.No.458 of 2019

A.D.JAGADISH CHANDIRA, J.,

The petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 29.03.2018 made in Crl.A. No.9 of 2018 on the file of the learned Sessions Judge, Sessions Court No.II, Kancheepuram reversing the acquittal judgement of Judicial Magistrate No.I, Kancheepuram in C.C. No.183 of 2011 dated 27.05.2013.

2. The petitioner herein is the respondent in Crl.A. No.183 of 2011 on the file of the learned Sessions Judge, Sessions Court No.II, Kancheepuram. The petitioner was found guilty of the offence u/s. 138 of the Negotiable Instrument Act and he has been convicted under Section 138 of the NI Act, to pay compensation of Rs.50,000/- to the complainant under Section 357 Cr.P.C and in default to undergo 2 months SI.

3. Aggrieved against the same, the petitioner has preferred this appeal and also filed the petition for suspension of sentence.

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4. The learned counsel for the petitioner would submit that trial Court had initially acquitted the petitioner for the offence under Section 138 of the NI Act, whereas the lower Appellate Court on wrong appreciation of facts and law has convicted the petitioner and has also sentenced him to pay fine of Rs.50,000/- which was ordered to be paid as compensation to the complainant under Section 357 Cr.P.C and in default, had directed the accused shall undergo 2 months Simple imprisonment for the offence under Section 138 of NI Act. He would further submit that he has got valid grounds on appeal and without prejudice to the merits of the case, the petitioner is prepared to deposit a sum of Rs.15,000/- of the amount ordered by the lower Appellate Court pending disposal of the revision.

5. The learned counsel for the petitioner would submit that there are several arguable points on law and also on facts and would also submit that the petitioner have got a good case on merits and contending that it will take time for final hearing of the appeal would pray that the substantive sentence of imprisonment imposed against the petitioner may be suspended.

6. Notice to the respondent returnable by four weeks.

Private Notice is also permitted.

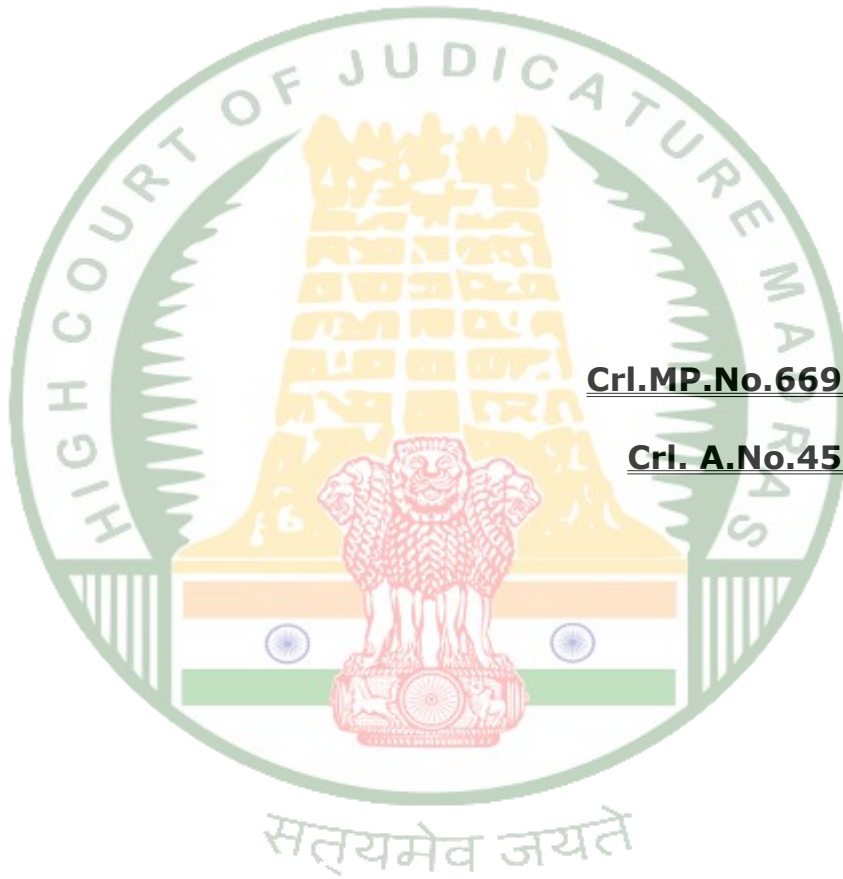
7. Taking into consideration the submissions made by the learned counsel for the petitioner, the substantive sentence of imprisonment alone be suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on condition that the petitioner shall deposit Rs.15,000/- (Rupees Fifteen Thousand only) of the amount to the credit of C.C. No.183 of 2011 on the file of the learned Judicial Magistrate No.I, Kancheepuram within a period of two weeks from the date of receipt of the copy of this order and the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.I, Kancheepuram. The petitioner shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m. until further orders.

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A.D.JAGADISH CHANDIRA, J.

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