

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6950 of 2019

IN CRL.RC.NO.500 OF 2019

1 SAVIO INDUSTRIAL AND
STRUCTURAL CORPORATION,
REP. BY ITS PROPRIETOR,
V.X.DOMINIC SAVIO

[PETITIONERD / APPELLANTS /
ACCUSED]

2 V.X.DOMINIC SAVIO

Vs

RAVI AND RAVI ENGINEERING CONTRACTORS

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.500 OF 2019 on the file of the High Court, the High Court will be pleased to enlarge the petitioners on bail by suspending the sentence imposed on them in C.A.No.43 of 2016 on the file of the I Additional District Judge, Salem, dated 04.12.2018 confirming the judgment made in S.T.C. No.438/2008 on the file of the learned Judicial Magistrate Court III, Salem, pending disposal of the above CRL.RC.NO.500 OF 2019 [IN CRL.MP.NO.6950 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.500 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.MOHANRAJ P., Advocate for the petitioner and of M/S. KRITIKA KAMAL P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

On 07.06.2019, this Court, passed the following order:

*"Notice of motion returnable by 02.07.2019.
Private notice is also permitted.*

2.Permission is granted to the petitioners to inform the learned counsel, who appeared for the complainant before the trial Court and the Sessions Court about the pendency of this revision petition, so that the respondent can make arrangements to enter appearance.

3. Under normal circumstances, this Court would not entertain a petition for suspension of sentence and bail without the accused surrendering. However, in this case, it is seen that the trial Court has given a finding that a sum of Rs.40,000/- has been admitted by the accused as debt. That apart, the trial Court has not given any compensation to the complainant. Under such circumstances, suspension of sentence and bail are granted on the following conditions :

- i. The petitioners shall deposit Rs.1,25,000/- (Rupees one lakh twenty five thousand only) to the credit of S.T.C.No.438 of 2008 on the file of the Judicial Magistrate Court No.III, Salem within three weeks from today.
- ii. On such deposit, the petitioners shall surrender before the trial Court and on such surrender, they shall be released on bail on their executing a bond for Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Judicial Magistrate No.III, Salem.
- iii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.
- iv. The petitioners shall appear before the Judicial Magistrate No.III, Salem at 10.30 a.m. on the first working day of every month until disposal of this revision petition.
- v. On any particular date if the petitioners are not able to appear, leave is granted to the petitioners to file an application under Section 317 Cr.P.C. and appear before the Magistrate on any other day as determined by the Magistrate in lieu of the day on which the petitioners are absent.

Post the matter "for reporting compliance" on 02.07.2019. "

2. Today, when the matter was taken up hearing, the learned counsel for the petitioners submitted that the petitioners have complied with the order and produced a copy of the receipt bearing No.547177 dated 21.06.2019. He also submitted that the petitioners have surrendered before the Trial Court.

Recording the same, no further order needs to be passed in this petition. However, the petitioners shall comply with the conditions (iv) and (v) above. Hence, this petition is closed.

-sd/-

02/07/2019

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 IST ADDITIONAL DISTRICT
JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.III, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

C.C. to M/S.MOHANRAJ P. Advocate on payment of necessary charges

सत्यमेव जयते

Order

in
CRL MP.6950/2019
in
CRL RC.500/2019

Date :02/07/2019

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

MK:22/07/2019