

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.8665 of 2019

in CRL RC.No.623 of 2019

S.PREMKUMAR

[PETITIONER]

Vs

T.VISWANATHAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.No.623 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment dated 24.04.2019 made in C.A.No.14 of 2019 on the file of the Principal Sessions Judge of Erode, The Criminal Appeal in C.A.No.14 of 2019 is hereby dismissed convicting the petitioner under section 138 of Negotiable Instruments Act 1881, confirmed the judgment dated 09.10.2018 made in S.T.C.No.14 of 2016 on the file of the Judicial Magistrate Fast Track II, Erode

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.No.623 of 2019 on the file of the High Court and upon hearing the arguments of M/S.A.RAGHURAMAN, Advocate for the petitioner, and of the court made the following order:-

The petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 in S.T.C.No.14 of 2016, vide judgment dated 09.10.2018 passed by the learned Judicial Magistrate, Fast Track Court No.II, Erode and he was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.3,000/- in default to undergo three months simple imprisonment. The conviction and sentence imposed by the Trial Court was also confirmed in the appeal in C.A.No.14 of 2019, vide judgment dated 24.04.2019 passed by the learned Principal Sessions Judge, Erode. Challenging the conviction and sentence, the petitioner has filed the present Criminal Revision and pending disposal of the same, seeks suspension of sentence and bail.

2. Heard Mr.A.Raghuraman, learned counsel for the petitioner who submitted that the petitioner is undergoing incarceration from 20.06.2019 in the Central Prison, Coimbatore.

3. Taking into consideration the fact that the petitioner is undergoing incarceration from 20.06.2019 ; that there are substantial grounds raised in the revision and that the present revision is not likely to be taken up for hearing in the near future, this Court is of the view that interest of justice will be served, if the petitioner is granted suspension of sentence and bail. Under such circumstances, suspension of sentence and bail are granted to the petitioner on the following conditions :

i.The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) before the Court of Judicial Magistrate, FTC-II, Erode;

ii.On such deposit, the learned Judicial Magistrate, FTC-II, Erode is directed to deposit the said amount in fixed deposit in any nationalised bank, so as to accrue interest and the same can be disbursed to the petitioner or the complainant depending upon the outcome of this revision petition.

Iii.After such deposit, the petitioner shall be released on bail on executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Judicial Magistrate, FTC-II, Erode.

iv.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.

v.The petitioner shall appear before the Judicial Magistrate, FTC No.II, Erode, on the first working day of every month until disposal of this revision petition.

vi.On any particular date if the petitioner is not able to appear, leave is granted to the petitioner 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 he would absent.

4. This Miscellaneous Petitions is disposed of accordingly.

-sd/-
03/07/2019

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 JUDICIAL MAGISTRATE
FTC NO.II,
ERODE

2 THE PRINCIPAL SESSIONS JUDGE,
ERODE

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 C.C. to M/S.A.RAGHURAMAN Advocate on payment of necessary charges SR.NO.13325

Order

in
CRL MP.8665/2019

in
CRL RC.623/2019

Date :03/07/2019

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cm 03/07/2019