

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.R.C.No.652 of 2019

Jayaraman,
S/o.Krishna Ramanujam,
No.98, Gandhi Road,
Mannargudi,
Thiruvarur District. Petitioner/ Petitioner/Accused

Vs.

Pandian,
S/o.Varadharaj,
No.3/633, Main Road,
Alankottai,
Mannargudi Taluk,
Thiruvarur District.Respondent/Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the order dated 24.04.2019 passed in Cr1.M.P.No.742
of 2019 in unnumbered U.F.C.A.No...of 2019 on the file of the
Principal Sessions Court, Tiruvarur.

For Petitioner : Mr.M.Guruprasad

ORDER

This criminal revision has been preferred seeking to set
aside the order dated 24.04.2019 passed in Cr1.M.P.No.742 of
2019 in unnumbered U.F.C.A.No...of 2019 on the file of the
Principal Sessions Court, Tiruvarur.

2. The petitioner has been convicted in S.T.C.No.1722 of
2014 on 21.02.2019 by the learned Judicial Magistrate-I,
Mannargudi, under Section 138 of the Negotiable Instruments Act,
1881 and was sentenced to undergo six months simple imprisonment
and to pay a sum of Rs.2,00,000/- as compensation. The Trial
Court suspended the sentence and released the petitioner on bail
under Section 389 (3) Cr.P.C. and gave one month time to the
petitioner to approach the Sessions Court in appeal.

2.1 The petitioner preferred an appeal, which was not numbered and along with the memorandum of appeal, he filed CrI.M.P.No.742 of 2019 under Section 389 (1) Cr.P.C., for suspension of sentence and bail.

2.2 The Sessions Court, by order dated 09.04.2019, suspended the sentence and directed to release the petitioner on bail, on he executing a bond for a sum of Rs.15,000/- with two sureties to the satisfaction of the Trial Court on or before 23.04.2019. However, on 23.04.2019, the Sessions Court dismissed CrI.M.P.No.742 of 2019, for default, challenging which, the petitioner is before this Court.

3. Heard Mr.M.Guruprasad, learned counsel for the petitioner.

4. The learned counsel for the petitioner submitted that, as directed by the Sessions Court, the petitioner surrendered before the Trial Court on 23.04.2019 and executed a bond for a sum of Rs.15,000/- with two sureties. However, since the counsel for the petitioner did not appear before the Sessions Court on 24.04.2019, the Sessions Court had dismissed the petition. In support of his contention, the learned counsel for the petitioner submitted the photocopies of the bail bond, which shows that the petitioner had surrendered and executed the bail bond before the Trial Court on 23.04.2019.

5. In such view of the matter, it is just and necessary that an opportunity be given to the petitioner to prosecute the appeal to its logical conclusion.

In the result, this criminal revision petition is allowed and the impugned order dated 24.04.2019 passed in CrI.M.P.No.742 of 2019 by the learned Principal Sessions Judge, Tiruvarur, is set aside. The petitioner is directed to appear before the Principal Sessions Court, Tiruvarur, in person, on 30.07.2019 at 10.30 a.m. and satisfy the learned Sessions Judge that he had already furnished the bail bond on 23.04.2019.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

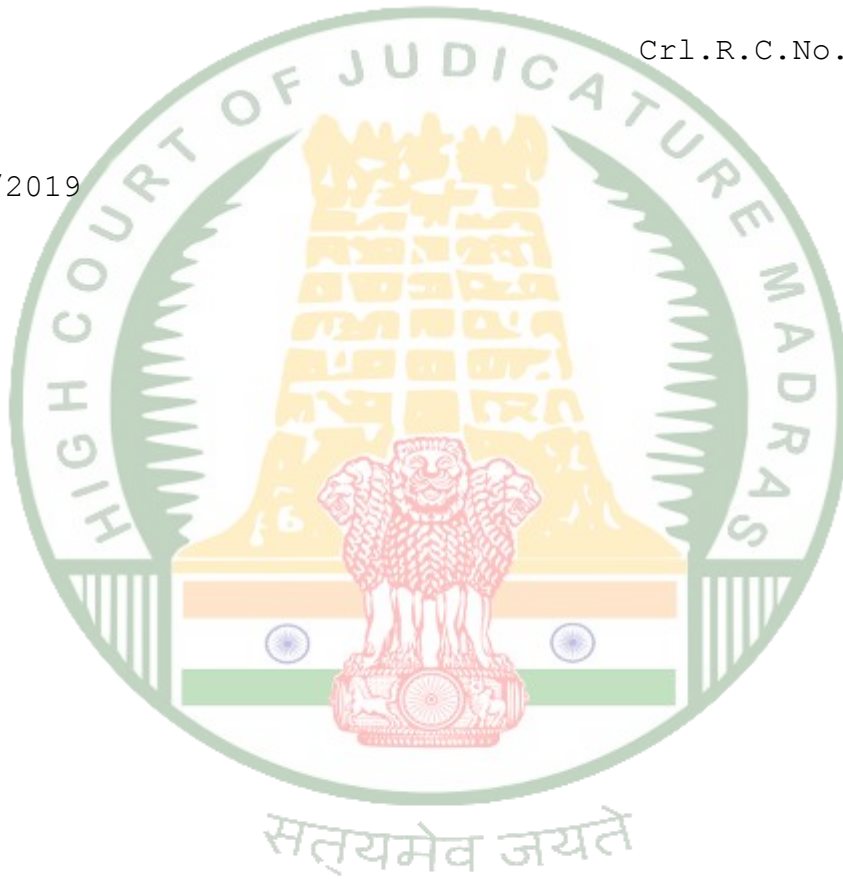
To

1. The Principal Sessions Judge,
Tiruvwarur.
2. The Judicial Magistrate-I,
Mannargudi.

+lcc to Mr.M.Guruprasad, Advocate Sr.57403

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