

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9111 & 9112 of 2019

IN CRL RC.656/2019

MOHANRAJ

[PETITIONER]

Vs

PONNI @ PONNIAMMAL

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.656/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence

[I]SUSPEND THE SENTENCE imposed upon the Petitioner in the impugned Judgment dated 19.03.2019 passed in C.A.No.25 of 2018 by the Learned Additional District Judge, (Fast Track Court), Vellore, Vellore District, against C.C.No.88/16 JM-FTC, Vellore. Vellore district agains C.C.NO.88/16 JM-FTC,VELLORE Pending disposal of the above Criminal Revision Petition.[CRL.MP.NO.9111/2019]

[II]EXEMPT THE PETITIONER FROM SURRENDERING pursuant to the impugned Judgment dated 19.03.2019 passed in C.A.No.25 of 2018 by the Learned Additional District Judge, (Fast Track Court), Vellore, Vellore District, pending disposal of the above Crl.R.C. [CRL.MP.NO.9112/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.656/2019 on the file of the High Court and upon hearing the arguments of M/S.ARUN ANBUMANI, Advocate for the petitioner the court made the following order:-

While the petition in Crl.M.P.No.9111 of 2019 is filed seeking to suspend the sentence imposed on the petitioner, by judgment dated 23.08.2017 passed in C.C.No.88 of 2016 on the file of the Judicial Magistrate Court (Fast Track Court), Vellore, which was reversed by judgment dated 19.03.2019 passed in C.A.No.25 of 2018 on the file of the Additional District Court (Fast Track Court), Vellore, the petition in Crl.M.P.No.9112 of 2019 is filed seeking to exempt the petitioner from surrendering before the Trial Court, pursuant to the said judgment, pending disposal of the revision petition.

2. It is the case of the petitioner that the impugned cheque was given as security for the loan taken by his mother and that has been

filled up by the complainant as could be seen from the difference of ink thereon.

3. The petitioner was acquitted by the Trial Court in C.C.No.88 of 2016 on 23.08.2017 of the offence under Section 138 of the Negotiable Instruments Act, 1881. However, on the appeal filed by the complainant, the petitioner has been convicted of the said offence and has been sentenced to undergo one year simple imprisonment and to pay a sum of Rs.1,75,000/- as compensation. Challenging the conviction and sentence slapped by the Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in the revision petition and hence, prayed for suspension of sentence and exemption from surrender.

5. The petitioner has raised substantial grounds in the revision petition which require detailed appraisal. Further, the revision petition is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

6. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

(i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Trial Court.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the revision petition and if he is not able to appear before the Trial Court on any such day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

-sd/-

09/07/2019

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,
FASTMTRACK COURT]VELLORE

2 THE ADDITIONAL DISTRICT JUDGE
[FAST TRACK COURT], VELLORE

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE[FOR INFORMATION]

+1 C.C. to M/S.ARUN ANBUMANI Advocate on payment of necessary
charges SR.NO. 13908

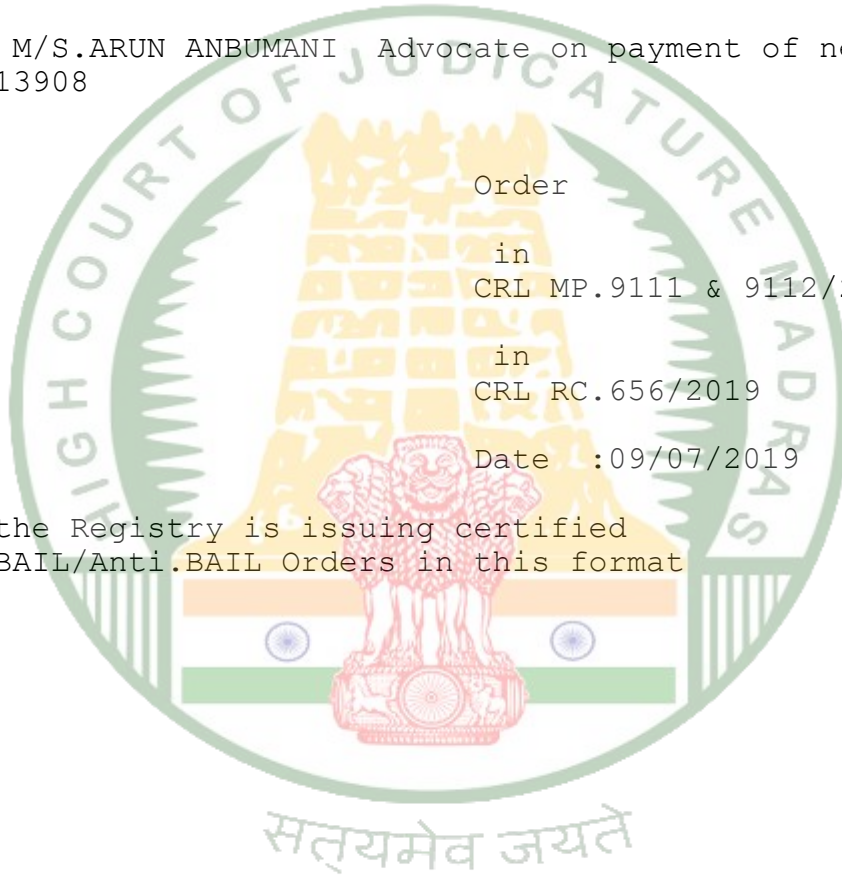
Order

in
CRL MP.9111 & 9112/2019

in
CRL RC.656/2019

Date :09/07/2019

From 7.2.2001 the Registry is issuing certified
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RD 19/07/2019



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