

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9307 of 2019

IN CRL RC.671/2019

MANOHAR

[PETITIONER / APPELLANT / ACCUSED]

Vs

NAMBI

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.671/2019 on the file of the High Court, the High Court will be pleased to suspend the operation of the order of sentence imposed in C.A.No.80 of 2014 dated 01.03.2016 by the learned Principal District and Sessions Court, Krishnagiri in STC 272/2013 Judicial Magistrate, Fast Track Court, Hosur and enlarge the petitioner on bail , pending disposal of the CRL RC.671/2019 [IN CRL.MP.NO.9307 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.671/2019 on the file of the High Court and upon hearing the arguments of M/S.M.MURALI, Advocate for the petitioner and of M/S.R.PAVITHRA Advocate on behalf of the Respondent the court made the following order:-

This petition is filed seeking to suspend the sentence imposed on the petitioner, by judgment and order dated 13.10.2014 passed in S.T.C.No.272 of 2013 on the file of the Judicial Magistrate Court (Fast Track Court), Hosur, which was confirmed by judgment and order dated 01.03.2016 passed in C.A.No.80 of 2014 on the file of the Principal District and Sessions Court, Krishnagiri.

2. It is the case of the prosecution that the accused borrowed a sum of Rs.15,00,000/- as loan from the complainant and it is alleged by the complainant that towards the debt, a cheque for Rs.15,00,000/- was issued by the accused which was dishonoured when presented.

3. The petitioner was an accused in S.T.C.No.272 of 2013 before the Judicial Magistrate (Fast Track Court), Hosur, was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo six months simple imprisonment and pay a sum of Rs.15,00,000/- as compensation, challenging which, the petitioner filed C.A.No.80 of 2014, which was dismissed by the learned Principal District and Sessions Judge, Krishnagiri, on 01.03.2016.

4. The petitioner has been in incarceration from 04.07.2019 and he has paid a sum of Rs.5,00,000/- as against the cheque amount Rs.15,00,000/-. The parties have also entered into a memorandum of compromise, under which, the petitioner has agreed to pay the balance amount Rs.10,00,000/- before 17.09.2019.

5. In view of the above, the relief of suspension of sentence and bail is granted on the following conditions:

(i) The petitioner shall execute 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 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/-

12/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
[FAST TRACK COURT],
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS COURT,
KRISHNAGIRI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+2C.C. to M/S.M.MURALI Advocate on payment of necessary charges
SR NO.14203

Order

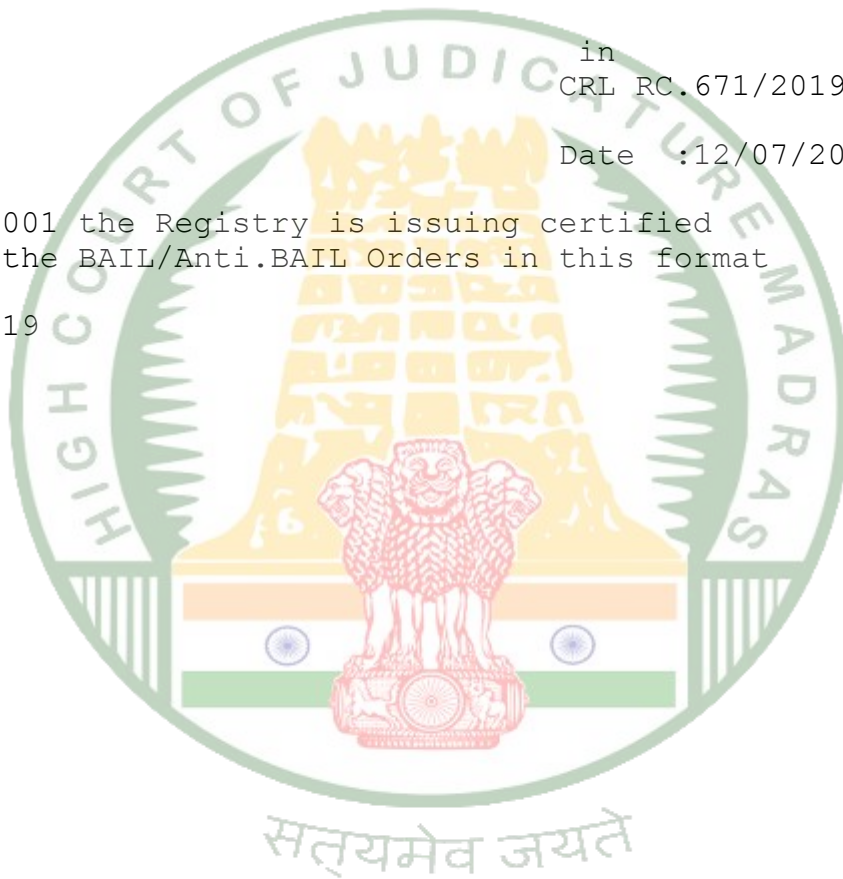
in
CRL MP.9307/2019

in
CRL RC.671/2019

Date :12/07/2019

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

MK:12/07/2019



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