

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.11125 of 2019

IN CRL RC.779/2019

N.R.RAJAN

[PETITIONER]

Vs

1 K.MURALI

[RESPONDENT]

2 STATE REP BY ITS
PUBLIC PROSECUTOR OF NILGIRIS DISTRICT,
UDHAGAMANDALAM.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.779/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned Court of the Sessions Judge of Nilgiris at Udhagamandalam by its Judgment dated 02.09.2016 passed in C.A.No.21/2014 confirming the Judgment dt.05.08.2014 passed in CC No.183/2013 on the file of the Fast Track, Coonoor and enlarge the petition on bail pending disposal of the above Crl.RC. [CRL.MP.NO.11125/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.779/2019 on the file of the High Court and upon hearing the arguments of M/S.BOBBLIE A. Advocate for the petitioner and of MR.K.V.SRIDHARAN Advocate for [r-1] and f MR.KRITIKA KAMAL. P Government Advocate for [r-2] on behalf of the Respondent the court made the following order:-

The petitioner was convicted in C.C.No.183 of 2013 on 05.08.2014 by the Judicial Magistrate, Fast Track Court, Coonoor, for the offence under Section 138 of the Negotiable Instruments Act, and was sentenced to undergo one year Simple Imprisonment and fine of Rs.2,000/-, in default to undergo a further period of one month Simple Imprisonment. The appeal, Crl.A.No.21 of 2014, filed by the petitioner has been dismissed on 02.09.2016 by the Sessions Judge, Nilgiris at Udhagamandalam. The petitioner was arrested and is undergoing sentence from 11.07.2019. Challenging the conviction and sentence, the petitioner has filed the present revision petition and criminal miscellaneous petition seeking suspension of sentence.

2. Heard Mr.A.Bobblie, learned counsel for the petitioner,
<https://hcservices.ecourts.gov.in/hcservices/> Mr.K.V.Sridharan, learned counsel for the first respondent and

Mrs.Kritika Kamal.P, learned Government Advocate for the second respondent.

3. The petitioner has paid a sum of Rs.3,00,000/- to the complainant, the receipt of which, Mr.K.V.Sridharan, learned counsel for the complainant/first respondent acknowledged. 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. Moreover, the petitioner has been in incarceration from 11.07.2019. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Coonoor, Nilgiris.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate, Coonoor, Nilgiris, 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 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.

Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-

08/08/2019

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,
COONOOR, NILGIRIS

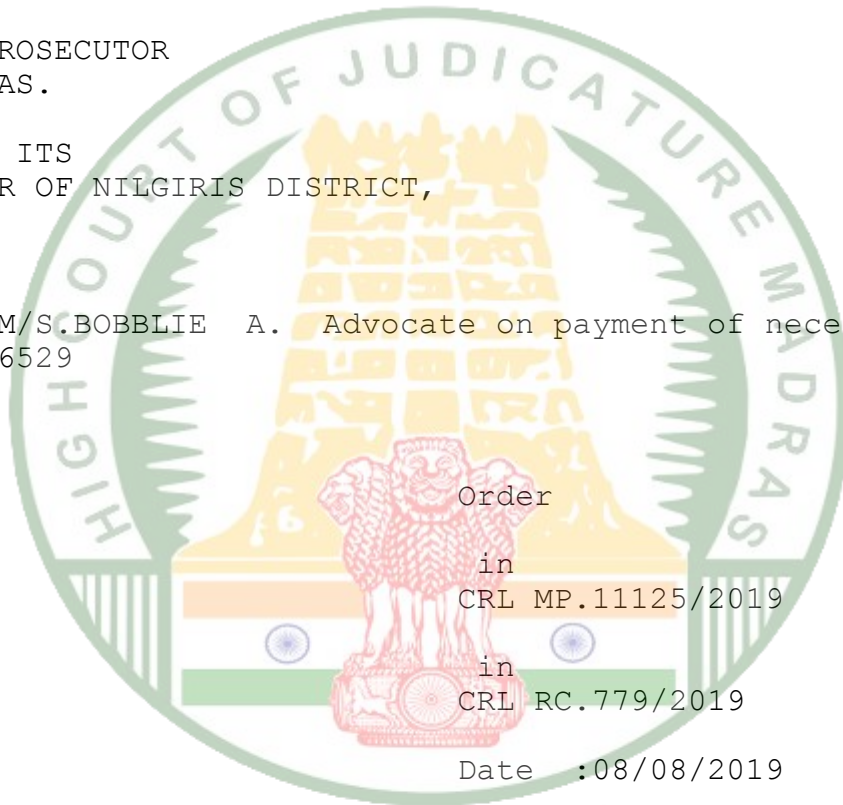
2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS[FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT,
COONOOR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATE REP BY ITS
PUBLIC PROSECUTOR OF NILGIRIS DISTRICT,
UDHAGAMANDALAM.

+1 C.C. to M/S.BOBBLIE A. Advocate on payment of necessary
charges SR.NO. 16529



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copies of the BAIL/Anti.BAIL Orders in this format
RD 08/08/2019

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