

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.10625 of 2019

IN CRL.RC.No.726 OF 2019

A.NASAR BASHA

[PETITIONER]

Vs

G.SALEEM AKTHAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.726/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence in C.A.No.173 of 2018 on the file of the Principal Session Judge, Chennai dated 11.2.2019 confirming the judgment in C.C.No.911/2017 on the file of IV Fast Track/Metropolitan Magistrate, George town, Chennai dated on 08.03.2018 enlarge on bail in above Crl.RC.No.726 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.726 of 2019 on the file of the High Court and upon hearing the arguments of M/S.PARTHIBAN C., Advocate for the petitioner the court made the following order:-

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, in C.C.No.911 of 2017 by the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai on 08.03.2018 and was sentenced to undergo six months Simple Imprisonment and to pay a sum of Rs.3,00,000/- as compensation to the complainant. The appeal, in Crl.A.No.173 of 2018 has been dismissed by the Principal Sessions Judge, Chennai on 11.02.2019. Challenging the orders passed by the Courts below, the petitioner has filed the present revision and Crl.MP.No.10625 of 2019 seeking suspension of sentence.

2. The learned counsel for the petitioner brought to the notice of this Court that the petitioner was adjudged as an insolvent in IP.No.44 of 2016 and the name of the complainant was shown as one of the creditors. He contended that the prosecution under Section 138 of the Negotiable Instruments Act, was initiated only after the petitioner adjudged as insolvent.

3. The petitioner has raised substantial grounds in the revision petition which require detailed appraisal. Further, the revision

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:

(a) The petitioner shall deposit a sum of Rs.1,50,000/- before the trial Court within a period of two weeks from the date of receipt of a copy of this order.

(b) On such deposit, the Trial Court shall re-deposit the amount in a Fixed Deposit account in any nationalized bank so that the amount with interest can be disbursed either to the complainant or to the accused, depending upon the outcome of this revision petition.

(c) The petitioner shall surrender before the Trial Court within a period of four 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), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

(d) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(e) The petitioner shall appear before the Trial Court on the first working day of every month until 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.

(f) If the petitioner fails to deposit the said sum of Rs.1,50,000/- as laid down in the conditions above, it is open to the Trial Court to take the petitioner into custody.

Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-

09/08/2019

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

TRUE COPY

TO

1 THE METROPOLITAN MAGISTRATE,
FAST TRACK COURT NO.IV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PRINCIPAL SESSIONS
JUDGE, CHENNAI

C.C. to M/S.PARTHIBAN C. Advocate on payment of necessary
charges SR.NO.16767

Order

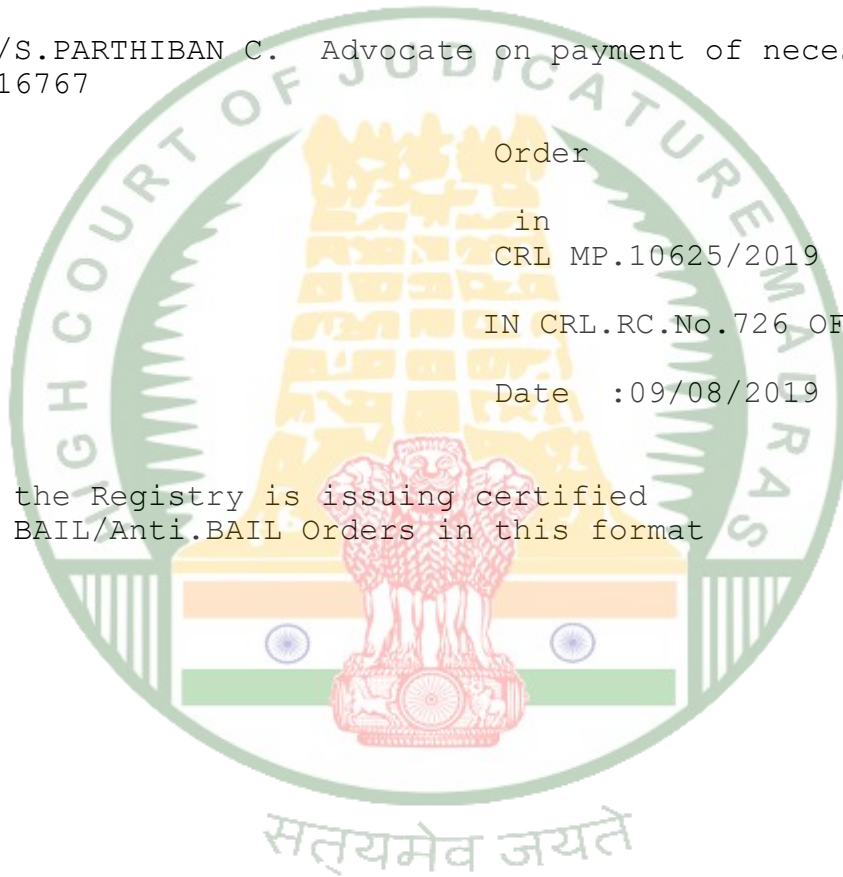
in
CRL MP.10625/2019

IN CRL.RC.No.726 OF 2019

Date :09/08/2019

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

RVR 14/08/2019



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