

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirty First day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.10382 of 2019

IN CRL.RC.No.735 OF 2019

RAGHU

[PETITIONER]

Vs

N.M.RAMACHANDRAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.735/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on him by the learned Additional District Judge (FTC), Vellore, Vellore District on the date of judgment in C.A.No.65 of 2018 on 30.01.2019 reversed the judgment of Learned Judicial Magistrate (FTC), Vellore, Vellore District in C.C.No.53 of 2016 dated 06/03/2018 that the petitioner/accused found guilty U/S 138 of N.I.Act and he is convicted and sentenced to undergo S.I. For one year and further the petitioner/Accused shall liable to pay a sum of Rs.9 laksh as compensation to the complainant u/s 357 of Cr.P.C and enlarge him bail pending disposal of the above Crl.RC.No.735/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.735/2019 on the file of the High Court and upon hearing the arguments of M/S.VINODH KUMAR G, Advocate for the petitioner and of M/S D.P.PAUL SUDESH on behalf of the Respondent the court made the following order:-

It is seen that the petitioner was acquitted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act, and on appeal filed by the complainant, the same has been reversed by the Sessions Court on 30.01.2019 in C.A.No.65 of 2018.

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

3. Accordingly, the substantive sentence of imprisonment alone is suspended and 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

Judicial Magistrate (FTC), Vellore, and on further condition that:

(i) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate (FTC), Vellore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court on the first working day of every month until the disposal of the revision 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.

-sd/-

31/07/2019

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, (FTC), VELLORE.
- 2 THE CHIEF JUDICIAL MAGISTRATE, VELLORE (FOR INFORMATION)
- 3 THE ADDITIONAL DISTRICT JUDGE (FTC) VELLORE, VELLORE DISTRICT.

C.C. to M/S.VINODH KUMAR G Advocate on payment of necessary charges Sr.15882

C.C. to M/S.A.RAJESH KANNA Advocate on payment of necessary charges Sr.15853

Order
in
CRL MP.10382/2019

IN CRL.RC.No.735 OF 2019

Date :31/07/2019

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RVB 22/08/2019

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