

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Second day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.10664 & 10666 of 2019

IN CRL RC.757/2019

L.SURESH [PETITIONER/APELLANT/ACCUSED]

Vs

PALANISAMY [RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence of imprisonment imposed in the judgment dated 24.01.2017 made in S.T.C. No.14 of 2016 on the file of the Learned Judicial Magistrate (Fast Track Court), Thiruchengode which was confirmed in the judgment dated 15.04.2019 made in C.A.No.08 of 2017 on the file of the Learned Principal Sessions Judge, Namakkal. (Crl.M.P.NO.10664/2019)

(ii) Pleased To Grant an order of exemption from surrendering before the trial court in pursuance to the judgment dated 15.04.2019 made in C.A.No.08 of 2017 on the file of the Learned Principal Sessions Judge, Namakkal confirming the conviction imposed in judgment dated 25.01.2019 made in S.T.C.No.148 of 2015 on the file of the Learned Judicial Magistrate (Fast Track Court), Thiruchengode by allowing this Crl.R.C.No.757 of 2019. (Crl.M.P.NO.10666/2019)

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. GURUPRASAD M., Advocate for the petitioner, the court made the following order:-

The petitioner has been convicted of the offence under Section 138 of the Negotiable Instruments Act, 1881, in S.T.C.No.14 of 2016 on 24.01.2017 by the Judicial Magistrate, Thiruchengode and has been sentenced to undergo six months simple imprisonment and compensation of Rs.5,000/-, in default one month simple imprisonment. The appeal in C.A.No.8 of 2017 filed by the petitioner has been dismissed by the Principal Sessions Court, Namakkal on 15.04.2019. Challenging the

orders passed by the two Courts below, the petitioner is before this Court under Section 397 r/w 401 Cr.P.C. It is seen that the petitioner examined himself as DW1 and has marked three documents to show that the cheque was stolen by his Manager and was given to the complainant. In this regard, an FIR has also been registered against the complainant in Crime No.307 of 2015 and these aspects have not been considered by the two Courts below in the proper perspective. Under such circumstances, the petitioner is exempted from surrendering before the Sessions Court and suspension of sentence is granted on the following conditions :

- i. the petitioner shall deposit Rs.3,00,000/- before the trial Court in S.T.C.No.14 of 2016 within four weeks from the date of receipt of a copy of this order and thereafter, the petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate (FTC), Thiruchengode;
- ii. the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. 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.

-sd/-

02/08/2019

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,
(FAST TRACK COURT)
THIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE
NAMAKKAL.

+1 C.C. to M/S. GURUPRASAD M. Advocate on payment of necessary charges SR.NO.16213

Order

in
CRL MP.10664 & 10666/2019

in
CRL RC.757/2019

Date :02/08/2019

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