

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.11381 of 2019

IN CRL RC.790/2019

GOPALAKRISHNAN

[PETITIONER]

vs

M.SURESH

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.790/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned Judicial Magistrate, Fast Track Court, (Magistrate Level), Hosur, Krishnagiri District in STC No.156/2015 dt.10.05.2016 and confirmed by the Learned Additional District and Sessions Judge, Krishnagiri, Krishnagiri District in CRL.A.NO.6/2017 dated 20.09.2018 pending disposal of the Crl.R.C.NO.790/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.790/2019 on the file of the High Court and upon hearing the arguments of M/S.KANNADASAN E. Advocate for the petitioner and of MR.SARATHCHANDRAN FOR M/S.G.M.ANATH KUMAR Advocate on behalf of the Respondent the court made the following order:-

The petitioner was convicted in S.T.C.No.156 of 2015 on 10.05.2016 by the Judicial Magistrate, Fast Track Court, Magistrate Level, Hosur, for the offence under Section 138 of the Negotiable Instruments Act, and was sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.2,000/-, in default to undergo a further period of one month Simple Imprisonment. The appeal, in Crl.A.No.6 of 2017, filed by the petitioner was dismissed on 20.09.2018 by the Additional District and Sessions Judge, Krishnagiri. Challenging the conviction and sentence, the petitioner has filed the present revision petition and criminal miscellaneous petition seeking suspension of sentence.

2. Heard Mr.E.Kannadasan, learned counsel for the petitioner and Mr.Sharath Chandran, learned counsel for the respondent.

3. It is brought to the notice of this Court that the petitioner is in custody from 29.07.2019 and is lodged in Central Prison, Vellore. It is stated that the cheque amount in this case is Rs.10

4. 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 29.07.2019. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

5. 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.2,00,000/- to the credit of S.T.C.No.156 of 2015 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 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, Fast Track Court (Magistrate Level), Hosur.

(d) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate, Fast Track Court (Magistrate Level), Hosur, 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.

Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-

14/08/2019

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[MAGISTRATE LEVEL
HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI[FOR INFORMATION]

3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, KRISHNAGIRI,
KRISHNAGIRI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+1 C.C. to M/S.KANNADASAN E. Advocate on payment of necessary
charges SR.NO. 17018

Order

in

CRL MP.11381/2019

in

CRL RC.790/2019

Date :14/08/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 14/08/2019