

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.11951 & 11955 of 2019

IN CRL RC.818/2019

M.KUMAR

[PETITIONER]

vs

M.RAMESH

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.818/2019 on the file of the High Court, the High Court will be pleased to

[I]suspend the sentence imposed in STC No.734 of 2014 dated 13.02.2018 on the file of Judicial Magistrate No.I at Sankari and confirmed by the judgment dated 30.11.2018 in Criminal Appeal No.28 of 2018 on the file of III Additional Sessions Judge, Salem pending disposal of the above revision.[CRL.MP.NO.11951/2019]

[II]exempt the petitioner from surrendering in respect of the sentence of imprisonment imposed confirming the Judgement dated 13.02.2018 passed in STC No.734 of 2014 on the file of the Judicial Magistrate No.I at Sankari confirmed by the judgement dated 30.11.2018 in criminal Appeal No.28 of 2018 on the file of III additional Sessions Judge,Salme pending disposal of the above petition.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.818/2019 on the file of the High Court and upon hearing the arguments of M/S.R.EZHILARASAN, Advocate for the petitioner the court made the following order:-

The petitioner has been convicted by the Judicial Magistrate No.I, Sankari in S.T.C.No.734 of 2014 on 13.02.2018 of the offence under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to undergo six months simple imprisonment and pay the cheque amount of Rs.4 lakhs as compensation. The appeal in C.A.No.28 of 2018 filed by the petitioner has been dismissed on 30.11.2018 by the III Additional Sessions Court, Salem. Challenging the same, the petitioner has filed the present revision petition and seeking suspension of sentence and exemption from surrender.

2.Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner

that there are several infirmities in the prosecution case and that there are arguable points involved in the revision petition and further, the revision petition is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

3. Taking into consideration the grounds raised by the petitioner, the reliefs of exemption from surrender before the Sessions Court, suspension of sentence and bail are granted on the following conditions :

i. the petitioner shall deposit Rs.4 lakhs before the trial Court within four weeks from the date of receipt of a copy of this order and on such deposit, the trial Court is directed to redeposit the amount in a fixed deposit account in any nationalised bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of this revision petition. 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 No.I, Sankari;

ii. the petitioner and 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;

iii. the petitioner shall appear before the trial Court at 10.30 a.m. 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; and

iv. on the failure of the petitioner depositing the amount, it is open to the trial Court to commit the petitioner into custody for undergoing the sentence.

-sd/-

28/08/2019

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,
NO.I, SANKARI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE III ADDITIONAL SESSIONS COURT,
SALEM,

C.C. to M/S.R.EZHILARASAN Advocate on payment of necessary
charges

Order

in

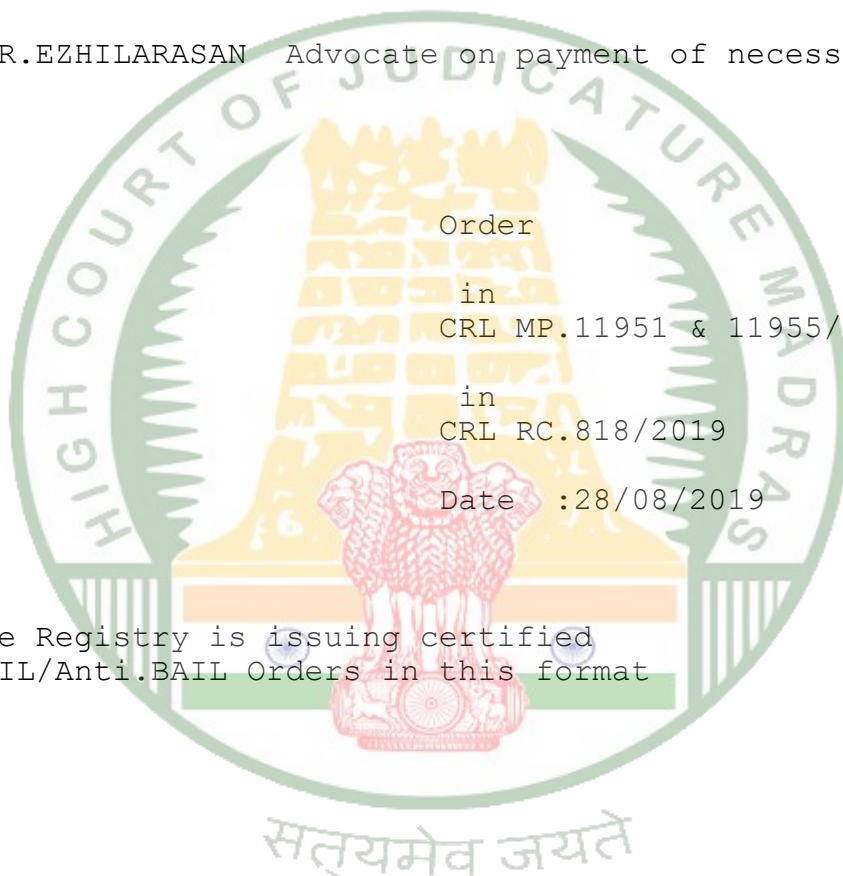
CRL MP.11951 & 11955/2019

in

CRL RC.818/2019

Date :28/08/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 30/08/2019



WEB COPY