

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION NOS.11958 & 11960 OF 2019

IN CRL RC.819/2019

S.SRINIVASAN

[PETITIONER / APPELLANT]

Vs

G.M.RADHAKRISHNAN

[RESPONDENT]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.819/2019 on the file of the High Court, the High Court will be pleased to

[I] suspend the sentence in C.A.No.108 of 2019 on the file of Learned XVII Additional City Civil Judge, Chennai dated 06.08.2019 confirmed the Judgement in C.C.No.1780 of 2015 on the file of Learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai and enlarge the petitioner on bail till the disposal of CRL RC.819/2019 [IN CRL.MP.NOS.11958 OF 2019]

[II] grant exemption of surrender in C.C.No.1780 of 2015 on the file of Learned IV Fast Track Metropolitan Magistrate, George Town, Chennai, dated 26.02.2018, IN CRL RC.819/2019 [IN CRL.MP.NO. 11960 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.819/2019 on the file of the High Court and upon hearing the arguments of M/S.V.RAMAMURTHY, Advocate for the petitioner, the court made the following order:-

While the petition in Crl.M.P.No.11958 of 2019 is filed seeking to suspend the sentence imposed on the petitioner, by judgment and order dated 26.02.2019 passed in C.C.No.1780 of 2015 on the file of the Metropolitan Magistrate (Fast Track Court No.IV), George Town, Chennai, confirmed by the judgment and order dated 06.08.2019 passed in C.A.No.108 of 2019 on the file of the XVII Additional City Civil Court, Chennai, the petition in Crl.M.P.No.11960 of 2019 is to exempt the petitioner from surrendering before the Court concerned, pursuant to the said judgment, pending disposal of the revision petition.

2. The petitioner, who was an accused in C.C.No.1780 of 2015 before the Metropolitan Magistrate (Fast Track Court No.IV), George Town, Chennai, was convicted of the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo ten months simple imprisonment and to pay a sum of Rs.8,00,000/- (double the cheque amount) as compensation to the complainant, in default to undergo two months simple imprisonment. The appeal in C.A.No.108 of 2019 filed by the petitioner has been dismissed by the the XVII Additional City Civil Court, Chennai, on 06.08.2019.

3. Challenging the orders passed by the Courts below, the petitioner is before this Court under Section 397 r/w 401 Cr.P.C.

4. The learned counsel for the petitioner submitted that the cheque amount in this case is Rs.4,00,000/- and the petitioner has deposited a sum of Rs.1,60,000/- before the Trial Court on 22.07.2019, pursuant to the order passed by the Sessions Court while granting suspension of sentence and bail.

5. 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. In such view of the matter, this Court is of the view that the petitioner is entitled to the reliefs of exemption from surrendering before the Sessions Court and suspension of sentence and bail.

6. Accordingly, the reliefs of exemption from surrendering before the Sessions Court and suspension of sentence and bail are granted on the following conditions:

(i) The petitioner shall deposit a sum of Rs.2,40,000/- within four weeks from the date of receipt of a copy of this order before the Trial Court.

(ii) 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.

(iii) After such deposit, the petitioner shall surrender before the Trial Court and thereafter, the petitioner shall execute 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.

(iv) 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.

(v) 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.

(vi) If the petitioner fails to deposit the said sum of Rs.2,40,000/- as laid down in condition (i) above, the Trial Court may issue committal warrant and lodge the petitioner in prison to undergo the sentence.

-sd/-

27/08/2019

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 METROPOLITAN MAGISTRATE,
[FAST TRACK COURT-IV],
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE XVII ADDITIONAL CITY CIVIL JUDGE,
CHENNAI.

+2C.C. to M/S.V.RAMAMURTHY Advocate on payment of necessary charges SR NO.17821

Order

in

CRL MP NOS.11958 & 11960 OF 2019

in

CRL RC.819/2019

Date :27/08/2019

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MR:30/08/2019