

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.13921 of 2019
IN CRL.RC.NO.992 OF 2019

R.SEKAR

[PETITIONER]

vs

M.KUMAR

[RESPONDENT]

REPRESENTED BY HIS POWER AGENT,
M.RAMESH

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.992/2019 on the file of the High Court, the High Court will be pleased to suspend the imprisonment imposed on to the petitioner by the Appellate Court and judgment dated 07.03.2019 made in C.A.No.1 of 2019 (On the file of the Principal Sessions Judge, Erode) confirming the judgment dated 06.06.2018 made in S.T.C.No.483 of 2017 on the file Judicial Magistrate, Fast Track No.I, Erode. [CRL.MP.NO.13921/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.992/2019 on the file of the High Court and upon hearing the arguments of M/S. C.S.SARAVANAN Advocate for the petitioner, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 07.03.2019 passed in C.A.No.1 of 2019, by the Principal Sessions Judge, Erode as confirmed in the judgment, dated 06.06.2018, made in S.T.C.No.483 of 2017 by the Judicial Magistrate, Fast Track No.1, Erode, pending disposal of the Criminal Revision Case.

2. Heard the learned counsel on either side and also perused the materials placed on record.

3. In and by both the impugned judgements, for non-payment of the cheque amount in question, viz. Rs.2,05,000/-, the Petitioner/accused was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, 1881, to undergo two months Simple Imprisonment.

4. The learned counsel for the petitioner would submit that the petitioner has been arrested and in confinement. During the pendency of the appeal, the petitioner/accused has paid a sum of Rs.75,000/- to the complainant and an amount of Rs.1,30,000/- remains unpaid to the complainant. He would submit that the petitioner has also agreed to settle the balance amount within a period of two months and compound the offence. The learned counsel for the respondent/complainant would submit that he is agreeable for settlement.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the suspension of sentence and bail are granted, on the following conditions :-

- a) The Petitioner/Accused 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 Judicial Magistrate, Fast Track Court- I, Erode.
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioner/Accused 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 of Cr.PC. 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.

Post the matter on 21.11.2019.

WEB COPY
-sd/-
26/09/2019

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-I, ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE[FOR INFORMATION]

3 THE PRINCIPAL SESSIONS
JUDGE, ERODE

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 C.C. to M/S. C.S.SARAVANAN Advocate on payment of necessary
charges SR.NO. 20082

Order

in
CRL MP.13921/2019

IN CRL.RC.NO.992 OF 2019

Date :26/09/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 26/09/2019

सत्यमेव जयते

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