

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Fifteenth day of October Two Thousand Nineteen
PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.14694 of 2019

IN CRL.RC.No.1086 OF 2019

I.V.NARASIMHAM

[PETITIONER]

Vs

CH.PRASAD

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1086 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the conviction, sentence and fine confirmed by the learned II Additional District and Sessions Judge at Puducherry passed in C.A.No.37 of 2016 dated on 29th day of June 2018 confirming the order passed by the Judicial Magistrate Yanam, Puducherry in STC.No.3 of 2012 dated 08/11/2016 pending disposal of the above Crl.R.C.No.1086 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1086 of 2019 on the file of the High Court and upon hearing the arguments of M/S. A.B.ASHOK, Advocate for the petitioner and of M/S S.RAVEEKUMAR on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking to suspend the sentence imposed by learned Judicial Magistrate Yanam, Puducherry in STC.No.3 of 2012 dated 08.11.2016, which was confirmed by the learned II Additional District and Sessions Judge at Puducherry in C.A.No.37 of 2016 by judgment dated 29.06.2018, pending disposal of the criminal revision petition.

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.1,00,000/-, the Petitioner/accused was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, 1881, to undergo one year rigorous imprisonment and to pay a sum of Rs.2,00,000/- which is twice the cheque amount as compensation under Section 357 (3) of Cr.P.C., in default to undergo two months simple imprisonment.

4. The respondent/complainant is also present before this Court.

5. The learned counsel for the petitioner would submit that subsequent to the conviction, the petitioner has been arrested and he is in jail. He would submit that pending the revision, the parties have arrived at a compromise. In view of the compromise, an amount of Rs.2,50,000/- has been paid by the wife of the petitioner to the complainant and the respondent/complainant has also agreed to compound the offence and he has also filed an affidavit stating that he has received an amount of Rs.2,50,000/- towards the case filed under Section 138 of the Negotiable Instruments Act.

6. In view of the same, the suspension of sentence is granted and the revision petitioner is directed to be released on bail on his own bond.

7. Post the matter on 21.10.2019, for appearance of parties and filing a petition to compound.

-sd/-
15/10/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
YANAM, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

WEB COPY

3 II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PUDUCHERRY

C.C. to M/S. A.B.ASHOK Advocate on payment of necessary charges
Sr.21064

Order

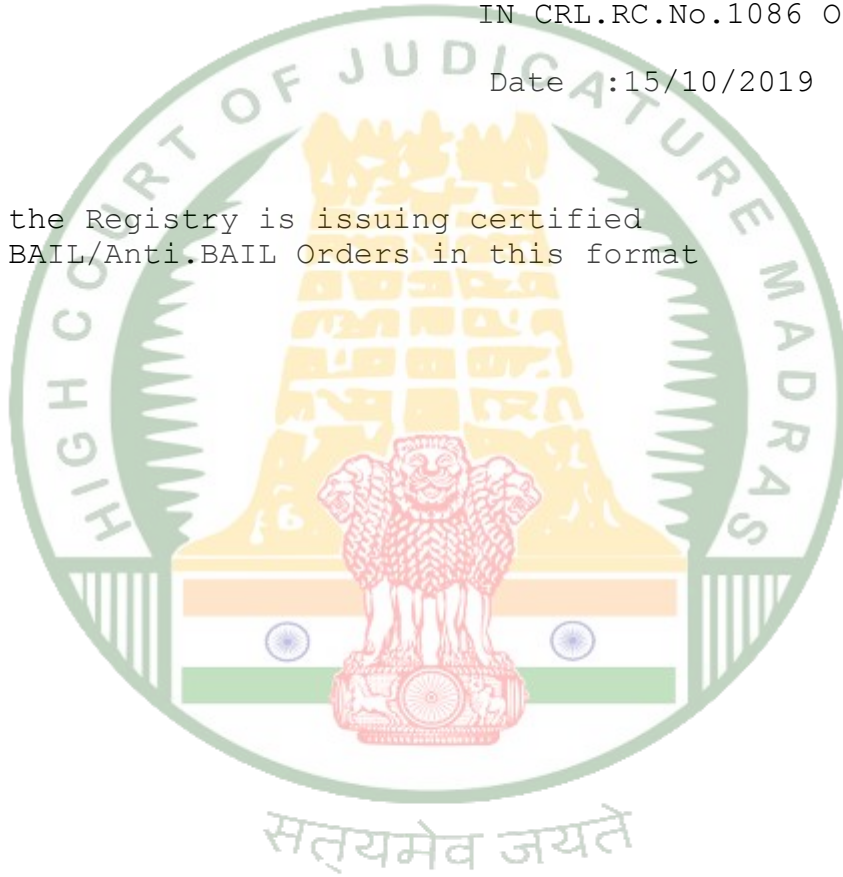
in
CRL MP.14694/2019

IN CRL.RC.No.1086 OF 2019

Date :15/10/2019

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

RVR 15/10/2019



WEB COPY