

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.14986 of 2019
IN CRL.RC.NO.1108 OF 2019

P.PRAVEENA

[PETITIONER]

vs

N.VEERARAGHAVAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1108/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgment dated 29.08.2019 made in C.A.No.109 of 2019 by the learned XVIII Addl.Sessions Judge City Civil Court, Chennai confirming judgment of the trial court dated 28.02.2019 in CC.No.3878 of 2017 passed by the IV Fast Track Court Metropolitan Magistrate George Town, Chennai pending disposal of the above Revision.[CRL.MP.NO.14986/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1108/2019 on the file of the High Court and upon hearing the arguments of M/S.R.PRABURAM, Advocate for the petitioner the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 29.08.2019, passed in C.A.No.109/2019, by the learned XVIII Additional Sessions Judge, City Civil Court, Chennai confirming the judgment, dated 28.02.2019, made in C.C.No.3878/2017, by the IV Fast Track Court, Metropolitan Magistrate George Town, Chennai, pending disposal of the Criminal Revision Case.
2. This court heard the learned counsel for the petitioner 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, to undergo Ten Months Simple Imprisonment and to pay a compensation of Rs.1,00,000/- (Rupees One Lakh Only), in default, to undergo Two

Months Simple Imprisonment.

4. The learned counsel for the petitioner would submit that at the stage of appeal an amount of Rs.20,000/- has been deposited by the petitioner and that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/ accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/accused may be suspended.
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 shall surrender before the Trial Court and deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) before the Trial Court, within four weeks from the date of receipt of a copy of this order and on such deposit being made the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursement of this amount shall be decided at the culmination of the Criminal Revision Case. Thereafter, 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 learned IV Fast Track Court, Metropolitan Magistrate George Town, Chennai.
 - 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.
 - d) On the failure of the Petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the Petitioner/ Accused into custody for undergoing the sentence.

6. Post the matter on 18.11.2019 for reporting compliance.

-sd/-

21/10/2019

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 XVIII ADDITIONAL SESSIONS
JUDGE, CITY CIVIL COURT, CHENNAI

2 THE IV FAST TRACK COURT
METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

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

Order

in

CRL MP.14986/2019

IN CRL.RC.NO.1108 OF 2019

Date : 21/10/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 21/10/2019