

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION Nos.15224 & 15226 of 2019

IN CRL.R.C.NO.1134 OF 2019

P.SAKTHIVEL

[PETITIONER]

Vs

C.S.SHANKAR

[RESPONDENT]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1134 OF 2019 on the file of the High Court, the High Court will be pleased to

(i)suspend the sentence of imprisonment imposed on the petitioner in the Judgment dated 11.02.2019 made in C.A.No.84 of 2018 on the file of the learned Second Additional District and Sessions Court, Tiruppur confirming the conviction imposed in the judgement dated 16/07/2018 made in S.T.C.No.152 of 2012 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur, and enlarge the petitioner on bail pending disposal of the above Crl.R.C.NO.1134/19.(IN CRL.MP.No.15224/19)

(ii)grant an order of exemption from surrendering before the trial court pursuant to the judgment dated 16.07.2018 made in S.T.C.No.152 of 2012 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur pending disposal of the above Crl.R.C.NO.1134/19.(IN CRL.MP.No.15226/19)

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in Crl.Revision Case No.1134/2019 on the file of the High Court and upon hearing the arguments of M/S. C.RAMKUMAR, Advocate for the petitioner the court made the following order:-

- 1.These Criminal Miscellaneous Petitions have been filed by the Petitioner/Accused to suspend the sentence of imprisonment, imposed by the judgment, dated 11.02.2019 made in Crl.A.No.84/2018, by the II Additional District and Sessions Court, Tiruppur as confirmed in the judgment, dated 16.07.2018 passed in S.T.C.No.152/2012, by the learned Judicial Magistrate, Fast Track Court, Tiruppur and to exempt the Petitioner from surrendering before the Trial Court, in connection with the conviction and sentence, imposed in S.T.C.No.152/2012, by the learned Judicial Magistrate, Fast Track Court, Tiruppur, by

judgement, dated 16.07.2018, respectively, pending disposal of the Criminal Revision Case.

2.This court heard the learned counsel on either side and also perused the materials placed on record.

3.In and by both the impugned judgements of the Trial Court and the Appellate Court, the petitioner/accused was convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo Six Months Simple Imprisonment and to pay Rs.2,50,000/- as compensation, in default to undergo Two Months Simple Imprisonment.

4.The learned counsel for the Petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and that the revision petition is not likely to be taken for final hearing in the near future and that the Petitioner has got a fair chance of succeeding in the Criminal Revision Case and would pray that the substantive sentence imposed against the Petitioner/Accused may be suspended on condition of depositing some amount. He would further submit that the petitioner is a labourer and would pray that six weeks time may be granted for making payment.

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 reliefs of exemption from surrender before the Court, suspension of sentence and bail are granted on the following conditions :-

a) The Petitioner/Accused shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) before the Trial Court, within a period of six 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 disbursal of this amount shall be decided at the culmination of the revision petition. 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 Judicial Magistrate, Fast Track Court, Tiruppur.

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 05.12.2019 for reporting compliance.

-sd/-

24/10/2019

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 JUDICIAL MAGISTRATE,
FAST TRACK COURT, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 II ADDITIONAL DISTRICT AND
SESSIONS COURT, TIRUPPUR

C.C. to M/S. C.RAMKUMAR Advocate on payment of necessary charges Sr.21978

Order
in

CRL MP.Nos.15224 & 15226 of 2019

IN CRL.R.C.NO.1134 OF 2019

Date :24/10/2019

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

RVR 24/10/2019