

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION Nos.15574 & 15577 of 2019

IN CRL.RC.NO.1168 OF 2019

R.MUTHURAMAN

[PETITIONER]

Vs

R.RAJASUNDARAM

[RESPONDENT]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1168/2019 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence imposed on the petitioner in Judgement dated 28.06.2019 made in Crl.Appeal No.3 of 2017 on the file of I Additional District and Sessions Judge, Cuddalore, in confirming the Judgement dated 07.12.2016 made in S.T.C.No.339 of 2011, on the file of the Judicial Magistrate No.I, Panruti, pending disposal of this Crl.RC.No.1168/2019. [IN CRL.MP.15574/2019]

[ii] exempt the petitioner from surrendering in pursuance of the Judgement dated 28.06.2019 made in Crl.Appeal No.3 of 2017 on the file of I Additional District and Sessions Judge, Cuddalore, in confirming the Judgement dated 07.12.2016 made in S.T.C.No.339 of 2011, on the file of the Judicial Magistrate No.I, Panruti, pending disposal of this Crl.RC.No.1168/2019. [IN CRL.MP.15577/2019]

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in Crl.RC.No.1168/2019 on the file of the High Court and upon hearing the arguments of M/S. D.S.THIRUMAVALAVAN, 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 imposed by the judgement, dated 28.06.2019 made in Crl.A.No.3/2017, by the I Additional District and Sessions Judge, Cuddalore, as confirmed by the judgement dated 07.12.2016, made in STC.No. 339 of 2011, Judicial Magistrate No.1, Panruti and to exempt the Petitioner from surrendering in pursuant of the Judgement dated 28.06.2019 made in Crl.A.No.3/2017, by the I Additional District and Sessions Judge, Cuddalore, respectively, pending disposal of these Criminal Revision Cases.

2. This Court heard the submissions made by the learned counsel for the Petitioners and also perused the impugned Judgement.

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 an amount of Rs.6,00,000/- [Rupees Six Lakhs Only] as compensation within a period of two months.
4. The learned counsel for the petitioner would submit that the petitioner is a differently abled person and without prejudice to his contentions before the Trial Court, he is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of S.T.C.No. 339/11 on the file of the Judicial Magistrate Court.I, Panruti and 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.
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 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 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 each, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Panruti.
 - 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.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.

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 02.12.2019 for "reporting compliance".

-sd/-
04/11/2019

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 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CUDDALORE.

2 THE JUDICIAL MAGISTRATE,
NO.I, PANRUTI.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

C.C. to M/S. D.S. THIRUMALAVAN Advocate on payment of
necessary charges

Order

in
CRL MP.Nos.15574 & 15577/2019

in
CRL.RC.1168/2019

Date : 04/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 11/11/2019