

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of October Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.15436 & 15439 of 2019

AND CRL.RC.NO.1147 OF 2019

G.LOGU

[PETITIONER

IN ALL THE PETITION]

vs

N.PRABHU

[RESPONDENT

IN ALL THE PETITION]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1147/2019 on the file of the High Court, the High Court will be pleased to

[i]suspend the sentence of imprisonment imposed in the judgment dated 19.03.2019 made in STC No.448/2017 on the file of the Judicial Magistrate FTC-I, Erode with was confirmed in the judgment dated 24.07.2019 made in C.A.No.256/2018 on the file of the II Additional District and sessions Judge, Erode and enlarge the petitioner on bail pending disposal of the above revision petition.
[CRL.MP.NO.15436/2019]

[ii]exemption from surrendering before the trial court in pursuance to the juegment dated 24.07.2019 made in C.A.no.256 of 2018 on the file of the II Additional District and sessions Judge, Erode confirming the convction imposed in the Judgment dated 19.03.2018 made in S.T.C.No.448 of 2017 on the file of the Judicial Magistrate FTC-I, Erode pending disposal of the above Revision Petition.
[CRL.MP.NO.15439/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1147/2019 on the file of the High Court and upon hearing the arguments of M/S.M.GURUPRASAD Advocate for the petitioner [IN ALL THE PETITION] 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 19.03.2019 made in STC.No.448/2017, by the learned Judicial Magistrate FTC-I, Erode as confirmed in the judgment, dated 24.07.2019 made in C.A.No.256/2018, by the learned II Additional District and Sessions Judge, Erode and to exempt the Petitioner from surrendering before the Trial Court, in connection with the conviction and sentence, imposed in

C.A.No.256/2018, by the learned II Additional District and Sessions Judge, Erode, by judgement, dated 24.07.2019, 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 three months Simple Imprisonment and to pay Rs.45,000/- as compensation, in default to undergo 15 days Simple Imprisonment.

4. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision, 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. The learned counsel for the petitioner would submit without prejudice to his contention that the petitioner is prepared to deposit the entire cheque amount of Rs.45,000/- before the trial Court.

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.45,000/- (Rupees Forty Five Thousand 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate (FTC.No.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.

- 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 22.11.2019 for reporting compliance.

-sd/-

25/10/2019

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,
FTC-I, ERODE

2 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ERODE

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

+1 C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.NO. 22124

Order

in

CRL MP.15436 & 15439/2019

AND CRL.RC.NO.1147 OF 2019

Date : 25/10/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 25/10/2019