

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION NOS.17398 & 17399 OF 2019

IN CRL.RC.NO.1287 OF 2019

B.SAMPATH

[PETITIONER]

Vs

G.MURUGAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1287 OF 2019 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence of imprisonment imposed in the judgement dated 30.09.2019 made in C.A.No.19/2017 on the file of the III Additional Sessions Judge, Vellore @ Tirupattur, confirmeing the conviction imposed in judgement dated 07.07.2017, made in S.T.C.NO.702 of 2015 on the file of the Judicial Magistrate No.I, Tirupattur and enlarge the petitioner on bail pending disposal of the above CRL.RC.NO.1287 OF 2019 [IN CRL.MP.NO.17398 OF 2019]

[ii] exempt the petitioner to surrender with respect to the sentence of imprisonment imposed in the judgement dated 30.09.2019 made in C.A.No.19/2017 on the file of the III Additional Sessions Judge, Vellore @ Tirupattur, confirming the conviction imposed in judgment dated 07.07.2017 made in S.T.C.NO.702 of 2015 on the file of the Judicial Magistrate No.I, Tirupattur pending disposal of the above CRL.RC.NO.1287 OF 2019 [IN CRL.MP.NO.17399 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1287 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.S. PANNEER SELVAM Advocate for the petitioner, the court made the following order:-

- 1.These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of conviction and sentence of imprisonment, imposed vide judgment, dated 30.09.2019, made in Crl.A.No.19/2017, by the III Additional Sessions Judge, Vellore at Tirupattur, as confirmed the conviction and sentence of imprisonment imposee by the judgment dated 07.07.2017, made in S.T.C.No.702/2015, by the Judicial Magistrate No-I, Tirupattur and to exempt the petitioner/accused, from surrendering before the Trial Court, by

the Judgment dated 30.09.2019, made in CrI.A.No.19/2017, by the III Additional Sessions Judge, Vellore at Tirupattur, respectively, pending disposal of this criminal revision case.

- 2.This court heard the submissions made by the learned counsel for the petitioner/accused and also perused both the impugned Judgments.
- 3.In and by the impugned judgement of the Trial Court, the petitioner/accused was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Six Months Simple Imprisonment and to pay an amount of Rs.5,00,000/- as compensation within one month from the date of pronouncing of that Judgment and in default, to undergo Three Months Simple Imprisonment.
- 4.The learned counsel for the petitioner/accused would submit that there are arguable points 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/accused 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 submit that without prejudice to his contentions, the petitioner/accused is prepared to deposit 50% of the cheque amount.
- 5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, 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 relief's of exemption from surrendering before the Trial Court, suspension of sentence and bail are granted on the following conditions :-
 - a) The petitioner/accused shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) which is 50% of the cheque amount, i.e., Rs.5,00,000/- 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, Tirupattur.

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 10.30a.m., on the first working day of every month, until the disposal of the revision petition and if the petitioner/accused 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 02.01.2020 for "reporting compliance".

-sd/-

26/11/2019

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 THE III ADDITIONAL SESSIONS
JUDGE, VELLORE @ TIRUPATTUR.

2 THE JUDICIAL MAGISTRATE,
NO.I, TIRUPATTUR.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

+1C.C. to M/S.S. PANNEER SELVAM Advocate on payment of
necessary charges SR NO.24318

Order

in
CRL MP.17398 & 17399 OF 2019
in
CRL.RC.NO.1287 OF 2019

Date :26/11/2019

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

MK:05/12/2019



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