

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 No.17392 of 2019

IN CRL.RC.NO.1285/2019

J.GEETHA

[PETITIONER]

vs

A.M.NARAYANA BABU

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1285/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner/accused in Crl.A NO. 13/2017 dated 17.07.2019 by the Addl. Sessions Judge (Fast Track Court) Kancheepuram reversing the judgement acquitting the petitioner in the order passed in S.T.C No. 1742/2015 dated 27.04.2017 by the learned District Munsif Court cum Judicial Magistrate at Sriperumbudur to undergo simple imprisonment of 2 years and to pay fine amount of Rs.1,75,000/- failing which to undergo 1 month simple imprisonment, pending disposal of the above criminal revision petition.[CRL.MP.17392 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1285/2019 on the file of the High Court and upon hearing the arguments of T.SUNDARAVADANAM 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 conviction and sentence of imprisonment, imposed vide judgment, dated 17.07.2019, made in Crl.A.No.13/2017, by the Additional Sessions Judge, (Fast Track Court), Kancheepuram, reversing the Judgment, acquitting the petitioner/accused passed in S.T.C.No.1742/2015, dated 27.04.2017, by the District Munsif Cum Judicial Magistrate, Sriperumbudur, 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 Appellate Court, the petitioner/accused was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Two

Years Simple Imprisonment and to pay a fine of Rs.1,75,000/- in default to undergo One Month Simple Imprisonment, out of which, a sum of Rs.1,50,000/- as compensation to the complainant and the balance amount of Rs.25,000/- to be paid in favour of the Government.

4. The learned counsel for the petitioner/accused would submit that the Trial Court acquitted the petitioner/accused however, the Appellate Court on erroneous appreciation of law and facts had reversed the the finding of the Trial Court and found the petitioner/accused guilty and convicted him and that 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 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 20% of the cheque amount, before the Trial Court.
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, suspension of sentence and bail are granted on the following conditions :-
 - a) The petitioner/accused shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) which is 20% of the cheque amount, i.e., Rs.1,50,000/- 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 District Munsif Cum Judicial Magistrate, Sriperumbudur.
 - 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 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 ADDITIONAL SESSIONS JUDGE
[FAST TRACK COURT] KANCHEEPURAM

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

+1 C.C. to M/S.T.SUNDARAVADANAM Advocate on payment of
necessary charges SR.NO. 24394 सत्यमेव जयते

Order

in
CRL MP.17392/2019

IN CRL.RC.NO.1285/2019

Date : 26/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 04/12/2019