

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.R.SWAMINATHAN

CRIMINAL MISCELLANEOUS PETITION No.19322 of 2019

IN CRL.RC.NO.868 OF 2019

A.RAJASEKAR

[PETITIONER]

Vs

SIVABALAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.868 OF 2019 on the file of the High Court, the High Court will be pleased to suspension the imprisonment imposed on the petitioner by the Appellate Court and Judgment dated 01.07.2019 made in C.A.No.284 of 2017 (on the file of the Ist Additional District and Sessions Judge, Erode) confirming the judgment dated 06.10.2017 made in S.T.C.NO.281 OF 2016 on the file of Judicial Magistrate, Fast Track Court NO.I, Erode pending disposal of the above CRL.RC.NO.868 OF 2019 [IN CRL.MP.NO.19322 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.868 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. C.S.SARAVANAN, Advocate for the petitioner, the court made the following order:-

The petitioner was convicted and sentenced for the offence under section 138 of Negotiable Instruments Act in S.T.C.No.281 of 2016 on the file of Judicial Magistrate/Fast Track Court No.1, Erode, vide judgment dated 6.10.2017 .

2. The petitioner filed an appeal before the I Addl. District and Sessions, Erode in C.A.No.284 fo 2017, but the same was dismissed on 1.7.2019 , challenging the same, the petitioner filed Crl.R.C.No.868 of 2019 before this Court, wherein, in Crl.M.P.No.12745 of 2019, this Court, granted suspension of substantive sentence of imprisonment imposed on the petitioner, pending disposal of the revision, on condition that the petitioner shall deposit a sum of Rs.1,25,000/- before the trial court within four weeks from the date of receipt of a copy of that order, but then, the petitioner was not able to comply with the condition stipulated by this Court. Therefore, the petitioner came to be arrested.

3. Now this application has been taken for grant of suspension of sentence and for consequential bail.

4. The learned counsel for the petitioner states that the petitioner is now ready to deposit the amount ordered to be deposited by this Court. He would further state that at the time of executing sureties, a Demand Draft for such amount will be deposited to the credit of STC.No.281 of 2016 on the file of Judicial Magistrate, Fast Track Court-I, Erode.

5. Since the petitioner is now ready to comply with the condition earlier imposed by this Court, the sentence of imprisonment imposed on the petitioner will stand suspended and the petitioner is ordered to be released on bail subject to the following conditions.

a) The petitioner shall deposit 50% of the cheque amount namely Rs.1,25,000/- (rupees one lakh and twenty five thousand only), before the trial court, within 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 nationalised 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 of the satisfaction of the learned Judicial Magistrate (Fast Track Court-I, Erode).

a) 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.

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b) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calender Month, until the disposal of the Revision and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, 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 his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

30/12/2019

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-I, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE 1ST ADDITIONAL DISTRICT
AND SESSIONS JUDGE, ERODE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1C.C. to M/S. C.S.SARAVANAN Advocate on payment of necessary charges SR NO.26695

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Order

in

CRL MP.19322/2019

in

CRL.RC.NO.868/2019

Date :30/12/2019

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MK:30/12/2019

<https://hcservices.ecourts.gov.in/hcservices/>

MK:02/01/2020