

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.1198 & 1199 of 2020

IN CRL RC.162/2020

P.KATHIRAVAN

[PETITIONER]

Vs

K.SURESH

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.162/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence

[i]suspend the sentence in Crl.A.No.79 of 2018 dated 11.12.2019 on the file of the learned Principal Sessions Judge, Namakkal, reverse the order dated 09.11.2018 in C.C.No.135 of 2013 by the learned Judicial Magistrate No.1, Namakkal and enlarge the petitioner on bail pending disposal of the criminal revision petition. [CRL.OP.NO.1198/2020]

[ii] exempt the petitioner from surrender the order passed in Crl.A.No.79 of 2018 dated 11.12.2019 on the file of the learned Principal Sessions Judge, Namakkal, reverse the order dated 09.11.2018 in C.C.No.135 of 2013 by the learned Judicial Magistrate No.1, Namakkal and pending disposal of the criminal revision petition. [CRL.OP.NO.1199/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.162/2020 on the file of the High Court and upon hearing the arguments of M/S. S.SHEIK ISMAIL Advocate for the petitioner , the court made the following order:-

While the petition in Crl.M.P.No.1198 of 2020 is filed seeking to suspend the sentence imposed on the petitioner, by judgment and order dated 11.12.2019 passed in C.A.No.79 of 2018 on the file of the Principal Sessions Court, Namakkal, reversing the judgment and order dated 09.11.2018 passed in C.C.No.135 of 2013 on the file of the Judicial Magistrate Court No.I, Namakkal, the petition in Crl.M.P.No.1199 of 2020 is filed seeking to exempt the petitioner from surrendering, pursuant to the said judgment, pending disposal of the revision petition.

2. The petitioner was acquitted by the trial Court in C.C.No.135 of 2013 on 09.11.2018 of the offence under Section 138 of the Negotiable Instruments Act, 1881. However, on the appeal filed by the complainant, the petitioner has been convicted of the said offence and has been sentenced to undergo six months simple imprisonment and to pay a fine of Rs.10,00,000/-, in default to undergo two months simple imprisonment. Challenging the conviction and sentence slapped by the appellate Court, the petitioner is before this Court.

3. The petitioner has raised substantial grounds in the criminal revision which require detailed appraisal. Further, this criminal revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the reliefs of suspension of sentence and bail and exemption from surrendering before the appellate Court.

4. Accordingly, the reliefs of suspension of sentence and bail and exemption from surrendering before the appellate Court are granted on the following conditions:

(i) The petitioner shall surrender before the trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner shall be released on bail, on he 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 trial Court.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of this criminal revision 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 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.

-sd/-

30/01/2020

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,
COURT NO.I, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL[FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE
NAMAKKAL

+1 C.C. to M/S. S.SHEIK ISMAIL Advocate on payment of necessary
charges SR.NO. 1849

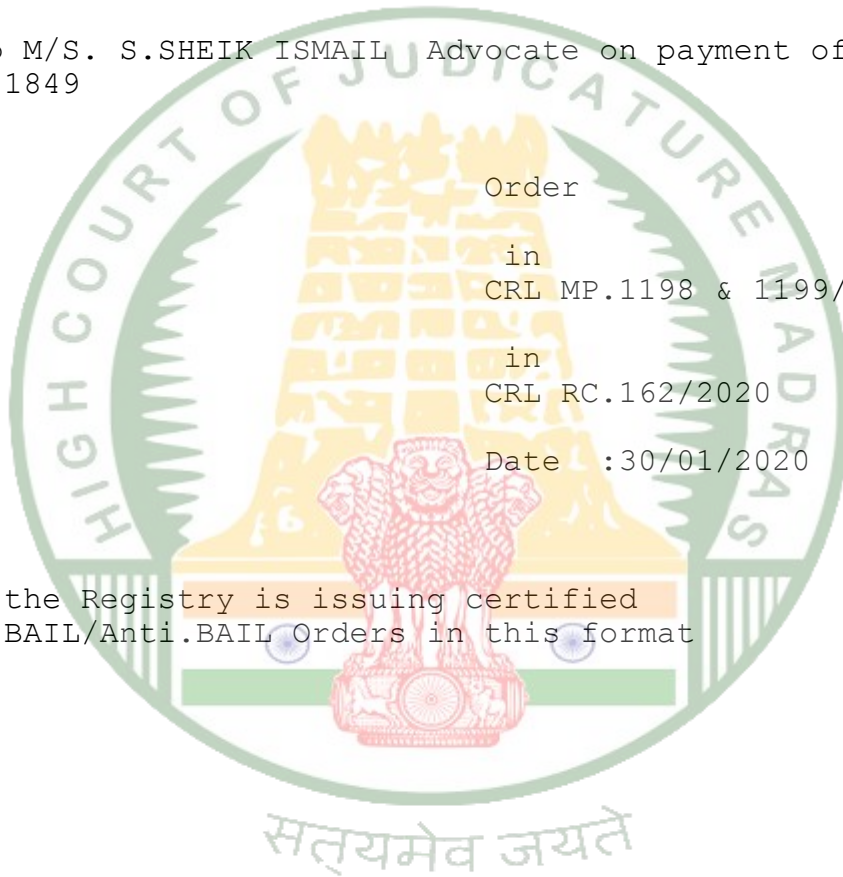
Order

in
CRL MP.1198 & 1199/2020

in
CRL RC.162/2020

Date :30/01/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 30/01/2020



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