

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.2305 of 2020

IN CRL.RC.NO.309 OF 2020

V.RAMADOSS

[ PETITIONER ]

Vs

A.M.NARAYANABABU

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.309/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in C.A.No.179/2018 on the file of the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee dated 21.10.2019 which conformed the order dated 11.09.2018 in S.T.C.NO.113 of 2017 on the file of the learned Judicial Magistrate, fast Track Court{Magisterial level-II} poonamalalee convicting the petitioner under section 138 of Negotiable Instrument Act, and enlarged on bail be released by petitioner pending disposal of the above Revision. [CRL.RC.NO.309/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.309/2020 on the file of the High Court and upon hearing the arguments of MRS.G.DEVI FOR M/S.V.VENKATESAN Advocate for the petitioner , the court made the following order:-

The petitioner was convicted by FTC-II (Magisterial Level), Poonamallee in S.T.C.No.113 of 2017 on 11.09.2018 for the offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced to undergo 12 Months Simple Imprisonment and pay a sum of Rs.1,40,000/- (Rupees One Lakh and Forty Thousand only) as compensation to the complainant. The appeal in C.A.No.179 of 2018 that was filed by the petitioner was dismissed by the III Additional District and Sessions Court, Tiruvallur on 21.10.2019. Aggrieved by the concurrent findings of the Courts below, the petitioner filed the present revision.

2. The petitioner has been arrested and is now confined in Central Prison, Puzhal and is undergoing the sentence.

3. The petitioner has raised substantial grounds in the revision petition which require detailed appraisal. Further, the revision petition 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 relief of suspension of sentence and bail and also exempted from surrendering before the Sessions Court.

4. Accordingly, the relief of suspension of sentence is granted on the following conditions:

(i) The petitioner shall deposit a sum of Rs.70,000/- (Rupees Seventy Thousand only) before the Trial Court to the credit of STC.No.113 of 2017.

(ii) On such deposit, the petitioner shall be released on bail on 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, Fast Track Court (Magisterial Level-II), Poonamallee.

(iii) On such deposit, the Trial Court shall re-deposit the amount in a fixed deposit account in any nationalized bank so that the amount with interest can be disbursed either to the complainant or to the accused, depending upon the outcome of this revision petition.

(iv) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Fast Track Court (Magisterial Level-II), Poonamallee, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(v) The petitioner shall appear before the Trial Court 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 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.

(vi) If the petitioner fails to deposit the said sum of Rs.70,000/- as laid down in condition (i) above, the Trial Court may issue committal warrant and lodge the petitioner in prison to undergo the sentence.

-sd/-

21/02/2020

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 III ADDITIONAL DISTRICT  
AND SESSIONS COURT,TIRUVALLUR

2 THE JUDICIAL MAGISTRATE,  
FAST TRACK COURT[MAGISTERIAL LEVEL-  
II] POONAMALLEE

3 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR[FOR INFORMATION]

4 THE SUPERINTENDENT,  
CENTRAL PRISON,PUZHAL,CHENNAI

+1 C.C. to M/S.V.VENKATESAN Advocate on payment of necessary  
charges SR.NO. 3452

Order

in  
CRL MP.2305/2020

IN CRL.RC.NO.309 OF 2020

Date :21/02/2020

From 7.2.2001 the Registry is issuing certified  
copies of the BAIL/Anti.BAIL Orders in this format  
RD 21/02/2020

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