

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.4367 of 2020

IN

Crl.R.C.No.561 of 2020

S.S.Syed

.. Petitioner

Vs.

N.Nalliannan

.. Respondent

Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C. seeking to suspend the sentence imposed in the judgment passed in Crl.A.No.64 of 2019 dated 15.06.2020 on the file of the Principal Sessions Judge, Namakkal in confirming the order of conviction dated 25.10.2019 passed in C.C.No.249 of 2014 on the file of the Judicial Magistrate No.I, Namakkal and sentencing the petitioner to undergo six months simple imprisonment under Section 138 of the Negotiable Instruments Act and to pay fine/compensation of Rs.8,00,000/- under Section 357 Cr.P.C. and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner : Mr.R.Jayaprakash

O R D E R

The petitioner was convicted by the learned Judicial Magistrate No.I, Namakkal in C.C.No.249 of 2014 on 25.10.2019 for the offence under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo 6 months simple imprisonment and pay compensation of Rs.8,00,000/- to the complainant. The appeal in C.A.No.64 of 2019 filed by the petitioner was dismissed by the Principal Sessions Court, Namakkal on 15.06.2020. Challenging the concurrent findings of the Courts below, the petitioner preferred the present revision petition and also seeking suspension of sentence and bail, since the petitioner was taken into custody on 15.06.2020.

2.Heard the learned counsel for the petitioner.

3.Learned counsel for the petitioner submitted that private notice was served on the complainant. He also contended that he is ready and willing to deposit the cheque amount in the trial Court.

4.In view of the fact that the petitioner is in incarceration from 15.06.2020 and also considering the submission of the learned counsel for the petitioner that there are several infirmities in the prosecution case and that there are arguable points involved in the

revision petition and further, the revision petition is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner shall deposit Rs.4,00,000/- (Rupees four lakhs only) to the credit of C.C.No.249 of 2014 before the Judicial Magistrate No.I, Namakkal, who in turn shall redeposit the amount in a fixed deposit in any nationalised bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of this revision petition. After such deposit, the petitioner 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 to the satisfaction of the learned Judicial Magistrate No.I, Namakkal and on further condition that:

(i) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

(ii) On release, the petitioner 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 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; and

(iii) On the failure of the petitioner depositing the amount, it is open to the trial Court to commit the petitioner into custody for undergoing the sentence.

-sd/-

16/07/2020

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,
NO.I, NAMAKKAL.

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

2 THE PRINCIPAL SESSIONS
COURT, NAMAKKAL

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to R.JAYAPRAKASH Advocate on payment of necessary charges

Order

in
CRL MP.4367/2020

in
CRL RC.561/2020

Date :16/07/2020

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RVR 20/07/2020