

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.Nos.7615 and 7616 of 2020

in Crl.R.C.No.1095 of 2020

S.Manivannan

... Petitioner

Vs.

M.Thiruvassagam

.... Respondent

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Sections 482 of the Code of Criminal Procedure, to exempt the petitioner from surrendering to undergo sentence of Imprisonment imposed order dated 22.03.2019 in C.C.No.1322 of 2015 in the Metropolitan Magistrate Fast Track Court No.II (V Metropolitan Magistrate Egmore) following conviction of the petitioner in respect of the offence under Section 138 N.I. Act confirmed in judgment dated 11.12.2019 in Criminal Appeal No.168 of 2019 on the file of the XVI Additional District and Sessions Court, Chennai and to suspend the sentence of Imprisonment imposed on the petitioner in C.C.No.1322 of 2015 order dated 22.03.2019 following the conviction of the petitioner in respect of offence under Section 138 N.I. Act on the file of the Metropolitan Magistrate Fast Track Court No.II (V Metropolitan Magistrate Egmore) confirmed in judgment dated 1.12.2019 in Criminal Appeal No.168 of 2019 on the file of the XVI Additional District and Sessions Court, Chennai and enlarge the petitioner on bail, pending the above Criminal Revision Case.

For Petitioner : Mr.S.Kalyanaraman

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor

COMMON ORDER

The petitioner accused in C.C.No.1322 of 2015 the Metropolitan Magistrate Fast Track Court No.II (V Metropolitan Magistrate Egmore) for the offence under Section 138 of Negotiable Instruments Act, has filed these petitions seeking exemption from surrendering and to suspend the sentence imposed on the petitioner.

2.The Trial Court by judgment dated 22.03.2019 convicted the petitioner and sentenced him to undergo one year Simple Imprisonment and to pay twice the compensation of Rs.14,00,000/- to the respondent/complainant within one month and in default to undergo three months Simple Imprisonment. Aggrieved over the same, the petitioner has filed C.A.No.168 of 2019 before the XVI Additional District and Sessions Court, Chennai. The Lower Appellate Court by order dated 11.12.2019 dismissed C.A.No.168 of 2019 confirming the order dated 22.03.2019 in C.C.No.1322 of 2015. Against which the present appeal.

3.The learned counsel for the petitioner submitted that he has taken notice to the respondent, which has been served on 08.12.2020. He further submitted that in the appeal the petitioner has deposited 20% of the cheque amount of Rs.1,40,000/- without prejudice to his rights and he is willing to deposit another 30% which amounts to Rs.2,10,000/- in total. In such case, he would have deposited a sum of Rs.3,50,000/- which is 50 % of the cheque amount. Further submitted that since the petitioner suffering from health ailment he is unable to continue his medical check up due to the dismissal of the appeal and he is now confined in his house and sought exemption from surrendering.

4.Considering the submission made by the learned counsel for the petitioner, this Court is inclined to grant exemption for the petitioner from surrendering on condition that the petitioner is directed to deposit a sum of Rs.2,10,000/- (Rs.Two Lakhs Ten Thousand Only) before the Trial Court on or before 08.01.2021 and thereafter within 7 days to execute two sureties before the Trial Court and produce the proof of deposit.

5.In view of the above, the sentence imposed on the petitioner is suspended on further condition that the petitioner shall appear before the said Court once in three months at 10.30 a.m., till the disposal of the revision. If the petitioner fails to deposit the amount of Rs.2,10,000/- (Rupees Two Lakh Ten Thousand Only) by 08.01.2021, the order would stand cancelled automatically.

6.Accordingly, with the above directions these petitions are ordered.

-sd/-

11/12/2020

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 XVI ADDITIONAL DISTRICT AND
SESSIONS COURT, CHENNAI.

2 THE METROPOLITAN MAGISTRATE FAST TRACK COURT
NO.II, (V METROPOLITAN MAGISTRATE, EGMORE).

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. S.KALYANARAMAN Advocate on payment of
necessary charges SR.NO.8165

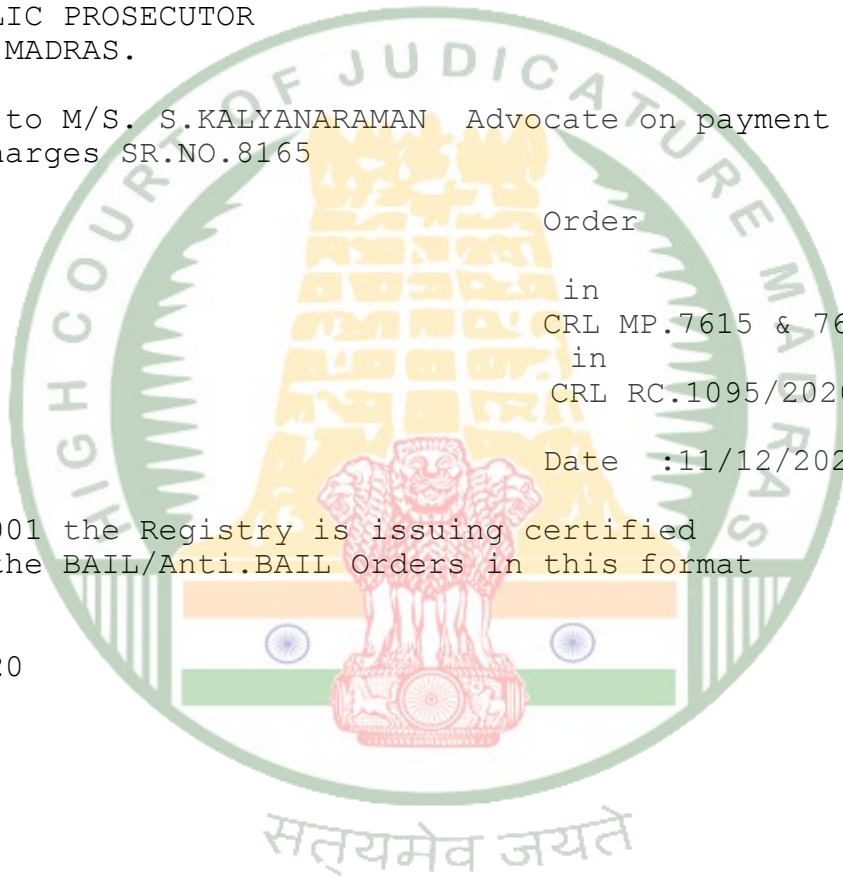
Order

in
CRL MP.7615 & 7616/2020
in
CRL RC.1095/2020

Date :11/12/2020

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TA-17/12/2020



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