

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5667 of 2021

in Crl.R.C.No.271 of 2021

R.Boopathy

...Petitioner

-Vs-

K.Palanisamy

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed in the judgment dated 10.09.2020 made in C.A.No.65 of 2019 on the file of the I Additional District and Sessions Court, Erode, confirming the conviction imposed in judgment dated 30.01.2019 made in S.T.C.No.131 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi and enlarge the petitioner on bail pending disposal of the above Revision Case.

For Petitioner

: Mr.M.Guruprasad

ORDER

The petitioner has been found concurrently found guilty by the Courts below for an offence under Section 138 of Negotiable Instruments Act and he was convicted and sentenced to undergo one year simple imprisonment and he was directed to pay Rs.3,00,000/- as compensation, in default Simple Imprisonment for one month. Aggrieved by the same, the petitioner seeks suspension of sentence by way of this petition.

2. The learned counsel for the petitioner submitted that the petitioner undertakes to deposit a sum of Rs.1,00,000/-. The petitioner has no objection for the complainant to withdraw the said amount. Of course, this is without prejudice to petitioner's contentions in this revision petition.

3. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4. Accordingly, the **substantive sentence of imprisonment alone is suspended** and the petitioner is directed to be enlarged on bail, on condition that :

a) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Kodumudi;

b) The petitioner shall deposit a sum of Rs.1,00,000/- to the credit of S.T.C.No.131 of 2018 before the learned District Munsif Cum Judicial Magistrate, Kodumudi, within a period of six weeks from the date of receipt of a copy of this order;

c) The petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every week, pending revision.

5. Accordingly, this petition is ordered.

-sd/-
06/05/2021

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 I ADDITIONAL DISTRICT AND SESSIONS COURT,
ERODE.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KODUMUDI

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

+1 C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.NO.6006

Order

in
CRL MP.5667/2021
in
CRL RC.271/2021

Date :06/05/2021

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