

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.05.2021

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

Crl.M.P.Nos.5975 & 5976 of 2021

in Crl.R.C.No.337 of 2021

H.Iyappan

... Petitioner

Vs.

C.Boopathy

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence imposed up on the petitioner by the learned Judicial Magistrate (Fast Track Court), Hosur in STC No.43 of 2016 dated 17.07.2019, which was confirmed by the learned Additional District Judge, Hosur in Crl.A.No.35 of 2019 dated 03.12.2020 and enlarge the petitioner on bail pending disposal of the revision.

For Petitioner : Mr.V.Rajamohan

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, in C.C.No.1523 of 2016, by the learned Judicial Magistrate, Fast Track Court, Hosur, and was sentenced to simple imprisonment for a period of six months and to pay a compensation of Rs.3,26,000/- to the complainant, in default, to undergo simple imprisonment for a period of three months and the conviction and sentence was confirmed by the learned Additional District Judge, Hosur. Aggrieved by the same, the revision case in Crl.R.C.No.337 of 2021 has been filed and pending disposal of the revision case, the petitioner has prayed for suspension of the substantive sentence of imprisonment and also for exemption from surrendering before the trial Court.

2.Learned counsel appearing for the petitioner submits that the petitioner has already paid a sum of Rs.65,000/- to the complainant and he is also ready to pay a further sum of Rs.1,63,000/- (Rupees One Lakh Sixty Three Thousand only) to the complainant and he would further submit that the petitioner has a bright chance of succeeding

in the revision and, hence, prays for suspension of sentence of imprisonment.

3.This Court gave its careful consideration to the submissions of the learned counsel for the petitioner and also perused the materials available on record.

4.On a consideration of the submissions and taking into consideration the fact that the revision case is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case for grant of suspension of sentence of imprisonment. Accordingly, this Court is inclined to suspend the substantive sentence of imprisonment imposed on the petitioner/accused.

5.Accordingly, the substantive sentence of imprisonment alone stands suspended pending disposal of the revision case and the petitioner is directed to be enlarged on bail on condition that the petitioner pays a sum of Rs.1,63,000/- (Rupees One Lakh Sixty Three Thousand only) to the complainant within a period of two weeks from today, and also on the condition that the petitioner shall execute bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Hosur, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders.

6.These petitions are ordered accordingly.

-sd/-
20/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT JUDGE,
HOSUR.

2 THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT), HOSUR.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

+2 C.C. to M/S.V.RAJAMOHAN Advocate on payment of necessary
charges SR.Nos.6292 & 6291

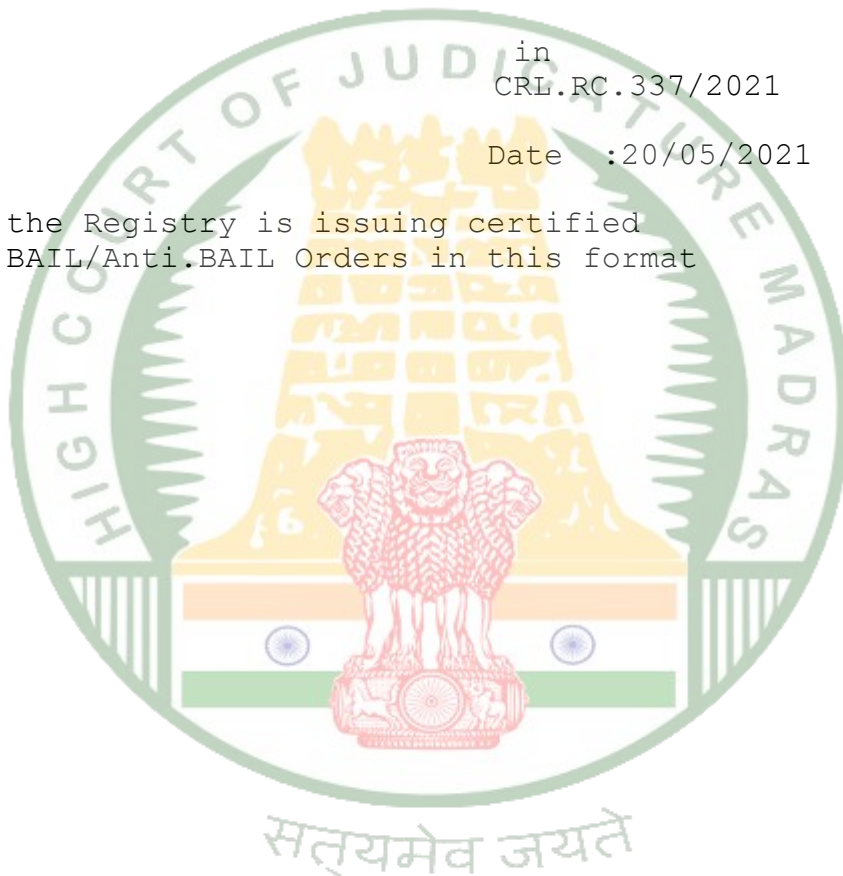
Order

in
CRL MP.Nos.5975 & 5976/2021

in
CRL.RC.337/2021

Date :20/05/2021

From 7.2.2001 the Registry is issuing certified
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cs 10/06/2021



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