

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5733 of 2021

in Crl.R.C.No.285 of 2021

K.Natarajan

...Petitioner

-Vs-

S.Subramanian

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence in judgment dated 11.12.2020 in C.A.No.52 of 2020 passed by the Additional District (Fast Track) Court, Mettur, by confirming the order dated 01.07.2020 in S.T.C.No.327 of 2020 passed by the learned Judicial Magistrate-I, Mettur.

For Petitioner : Mr.P.Kannan

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 further directed to pay the cheque amount of Rs.3,00,000 as compensation within a period of two months in default to under simple imprisonment of six months. Aggrieved by the same, the petitioner seeks suspension of sentence by way of this petition.

2. The learned counsel for the petitioner submitted that out of the compensation of Rs.3,00,000/-, the petitioner now 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 Judicial Magistrate-I, Mettur;

b) The petitioner shall deposit a sum of Rs.1,00,000/- to the credit of S.T.C.No.327 of 2020 before the learned Judicial Magistrate-I, Mettur, 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 JUDICIAL MAGISTRATE-I,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE ADDITIONAL DISTRICT
(FAST TRACK) COURT, METTUR.

+1 C.C. to M/S.P.KANNAN Advocate on payment of necessary charges
SR.NO. 5983

Order
in

CRL MP.5733/2021

in

CRL RC.285/2021

Date :06/05/2021

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

MN-13/05/2021