

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5693 of 2021

in

Crl.R.C No.276 of 2021

M.Subramaniam

...Petitioner

-Vs-

K.Sivashankar

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed in the judgment passed by the learned I Additional District and Sessions Judge, Coimbatore, in C.A.No.407 of 2019 dated 28.10.2020, partly allowed the appeal and the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court, No.II, of Coimbatore in C.C.No.731 of 2017 dated 15.11.2019 and enlarge the petitioner on bail pending disposal of the above said Criminal Revision Case,

For Petitioner : Mr.A.Tamilarasan

ORDER

The petitioner was found guilty by the learned I Additional District and Sessions Judge, Coimbatore, for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo three months simple imprisonment and he was directed to pay the cheque amount of Rs.4,72,000/- as compensation with interest at 6% per annum in default Simple Imprisonment for three 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 the petitioner has already deposited a sum of Rs.94,400/- to the credit of C.C.No.731 of 2017 before the learned Judicial Magistrate, Fast Track Court No.II of Coimbatore. The learned counsel further submitted that the petitioner undertakes to deposit an additional sum of Rs.60,000/-. The petitioner has no objection for the complainant to withdraw the said amount. Of course, this is without prejudice to petitioners' 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, Fast Track Court No.II of Coimbatore;

b) The petitioner shall deposit a sum of Rs.60,000/- to the credit of C.C.No.731 of 2017 before the learned Judicial Magistrate, Fast Track Court No.II of Coimbatore, within a period of four 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,
FAST TRACK COURT NO.II, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

C.C. to M/S.A.TAMILARASAN Advocate on payment of necessary
charges Sr.5962

Order

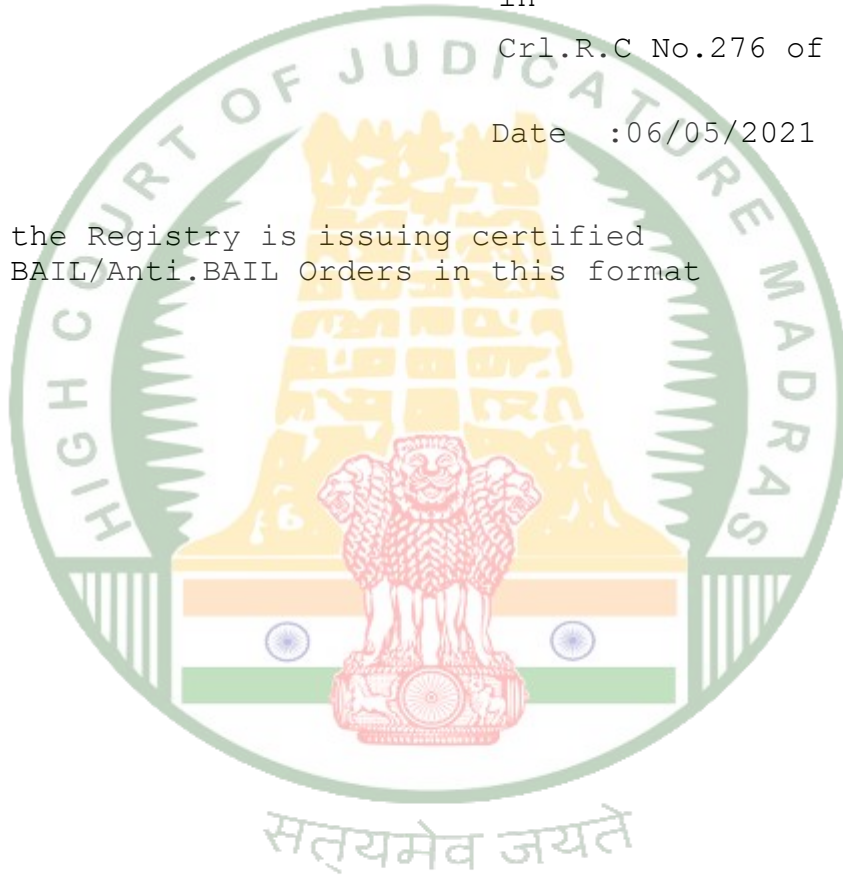
in
CRL MP.5693/2021

in
Crl.R.C No.276 of 2021

Date :06/05/2021

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

RVR 13/05/2021



WEB COPY