

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.R.SWAMINATHAN

CrI.MP.No.5766 of 2021

in

CrI.RC. No.297 of 2021

Uthirapathy

...Petitioner

-Vs-

Periyasamy

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on the petitioner made in judgment passed by the learned III Additional District Sessions Judge, Cuddalore at Virudhachalam in C.A.No.15 of 2018 dated 3.3.2021 confirming the Judgment passed in STC.No.242 of 2015 on the file of Judicial Magistrate No.1, Virudhachalam, dated 26.02.2018 till the disposal of the above criminal revision petition.

For Petitioner : Mr.M.Senthilkumar

ORDER

The petitioner has been found concurrently guilty by the Courts below for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and to pay compensation of Rs.20,00,000/- (Rupees Twenty Lakhs Only), in default, to undergo one month Simple Imprisonment. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel for the petitioner states that he will deposit a sum of Rs.2,00,000/- [Rupees Two lakhs only] to the credit of S.T.C.No.242 of 2015 on the file of the Judicial Magistrate No.I, Virudhachalam, Cuddalore District. He has no objection for the complainant to withdraw the same without prejudice to the contentions in the main revision case. The petitioner is granted eight(8) weeks time to deposit the said amount.

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 is suspended and the petitioner is directed to be enlarged on bail, on condition that 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, FTC No.1, Virudhachalam, Cuddalore District, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English calendar month 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,
NO.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT. (FOR INFORMATION)

3 THE JUDICIAL MAGISTRATE
FAST TRACK COURT NO.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

4 III ADDITIONAL DISTRICT
SESSIONS JUDGE, CUDDALORE AT VIRUDHACHALAM

C.C. to M/S.M.SENTHILKUMAR Advocate on payment of necessary charges Sr.6042

Order

in

CRL MP.5766/2021

in Crl.RC. No.297 of 2021

Date :06/05/2021

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RVR 13/05/2021