

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5736 of 2021

in Crl.R.C No.286 of 2021

M.Nandakumar

...Petitioner

-Vs-

Karthikeyan

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in judgment dated 03.11.2020 made in C.A.No.39 of 2019 on the file of the learned third Additional District and Sessions Court, Erode at Gobichettipalayam confirming the judgment dated 10.08.2019 made in STC No.4756 of 2014 on the file of the learned Judicial Magistrate No.1, Gobichettipalayam and enlarge the petitioner on bail pending disposal of the above Revision Case.

For Petitioner : Mr.N.Manoharan

**ORDER**

The petitioner was found guilty by both the Courts below for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo Six months simple imprisonment and liable to pay a compensation of Rs.1,00,000/-, that is the amount due upon the instrument under Section 357 of Cr.P.C., to the complainant u/s.255(2) Cr.P.C. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel for the petitioner submitted that the petitioner is ready to deposit a sum of Rs.50,000/- to the credit of S.T.C. No.4756 of 2014 on the file of the learned Judicial Magistrate No.1, Gobichettipalayam. 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, No.I, Gobichettipalayam;

b) The petitioner shall deposit a sum of Rs.50,000/- to the credit of S.T.C. No.4756 of 2014 on the file of the learned Judicial Magistrate No.1, Gobichettipalayam, 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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE NO.I,  
GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE [FOR INFORMATION].

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3 THE III ADDITIONAL DISTRICT AND SESSIONS COURT,  
GOBICHETTIPALAYAM, ERODE.

+1 C.C. to M/S. N.MANOCHARAN Advocate on payment of necessary  
charges SR.NO. 6049

Order

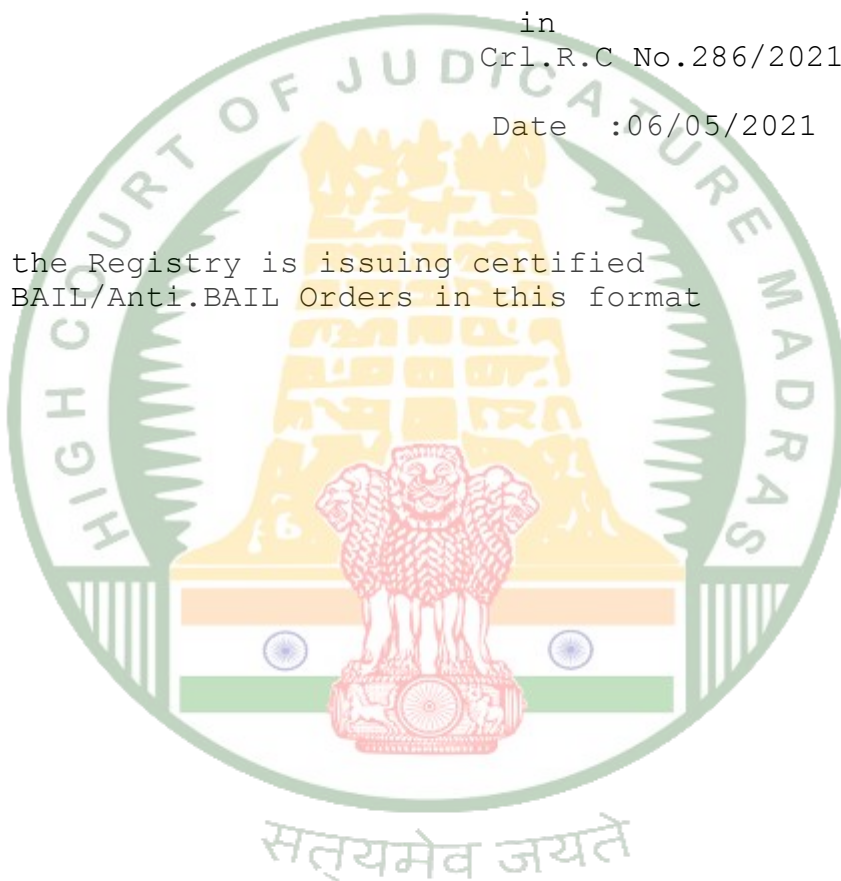
in  
CRL MP.5736/2021

in  
Crl.R.C No.286/2021

Date :06/05/2021

From 7.2.2001 the Registry is issuing certified  
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