

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5677 of 2021

in Crl.R.C No.272 of 2021

M.Rajasekar

...Petitioner

-Vs-

P.Karthikeyan

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in the judgment dated 11.03.2020 made in Crl.A.No.215 of 2019 on the file of the II Additional District and Sessions Judge, Erode, confirming the conviction and sentence in the Judgment dated 20.08.2019 in STC.No.714 of 2017 on the file of the Judicial Magistrate (FTC-II), Erode, pending disposal of the above Revision Case.

For Petitioner : Mr.W.Camyles Gandhi

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 6 months simple imprisonment. 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 borrowed amount of Rs.1,50,000/-, the petitioner now undertakes to deposit a sum of Rs.50,000/-. 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-II, Erode;

b) The petitioner shall deposit a sum of Rs.50,000/- to the credit of S.T.C.No.714 of 2017 before the learned Judicial Magistrate, FTC-II, Erode, 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 II ADDITIONAL DISTRICT AND SESSIONS
COURT, ERODE.

2 THE JUDICIAL MAGISTRATE, FTC-II,
ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

+1 C.C. to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR.NO.5967

Order

in

CRL MP.5677/2021

in

CRL RC.272/2021

Date :06/05/2021

From 7.2.2001 the Registry is issuing certified
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