

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5768 of 2021

in Crl.RC. No.298 of 2021

Ravi

...Petitioner

-Vs-

W.P.Magesh Raghavan

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed by the learned Judicial Magistrate No.II, Walajapet, Vellore District in C.C.No.50 of 2015 dated 26.11.2018 and modified by the learned IInd Additional District and Sessions Judge, Vellore @ Ranipet, Vellore District in Crl.A.No.164 of 2018 dated 12.03.2020 pending disposal of the Crl.R.C.No.298/2021 on the file of this Hon'ble Court.

For Petitioner : Mr.E.Kannadasan

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 fine of Rs.5,000/-, 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 C.C.No.50 of 2015 on the file of the Judicial Magistrate No.II, Walajapet, Vellore 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-II, Walajapet, 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 II ADDITIONAL DISTRICT AND SESSIONS
JUDGE, VELLORE @ RANIPET, VELLORE DISTRICT.

2 THE JUDICIAL MAGISTRATE
NO.II, WALAJAPET, VELLORE DISTRICT

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

+1 C.C. to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.NO.6033

Order

in
CRL MP.5768/2021

in
CRL RC.298/2021

Date :06/05/2021

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TA-12/05/2021