

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

CrI.M.P.No.5731 of 2021

in

CrI.R.C No.283 of 2021

V.Shanthi

...Petitioner

-Vs-

C.Adhimoolam

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on the petitioner/appellant in S.T.C. No.155 of 2013 dated 16.09.2019 on the file of the learned Judicial Magistrate Court, Sholinghur, Vellore District as confirmed by the Judgment of the learned II Additional District and Sessions Judge, Vellore @ Ranipet in C.A.No.94 of 2019 dated 05.03.2019.

For Petitioner : Mr.S.N.Arunkumar

ORDER

The petitioner was found guilty by both the Courts below for an offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo One year simple imprisonment and imposed a fine of Rs.5,000/- in default for Simple imprisonment for three months. 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.3,00,000/- to the credit of S.T.C. No.155 of 2013 on the file of the learned Judicial Magistrate Court, Sholinghur, Vellore District. 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 Court, Sholinghur, Vellore District.

b) The petitioner shall deposit a sum of Rs.3,00,000/- to the credit of S.T.C. No.155 of 2013 on the file of the learned Judicial Magistrate Court, Sholinghur, Vellore District, within a period of Eight 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 JUDGE, VELLORE @ RANIPET.

2 THE JUDICIAL MAGISTRATE COURT,
SHOLINGHUR, VELLORE DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

C.C. to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges

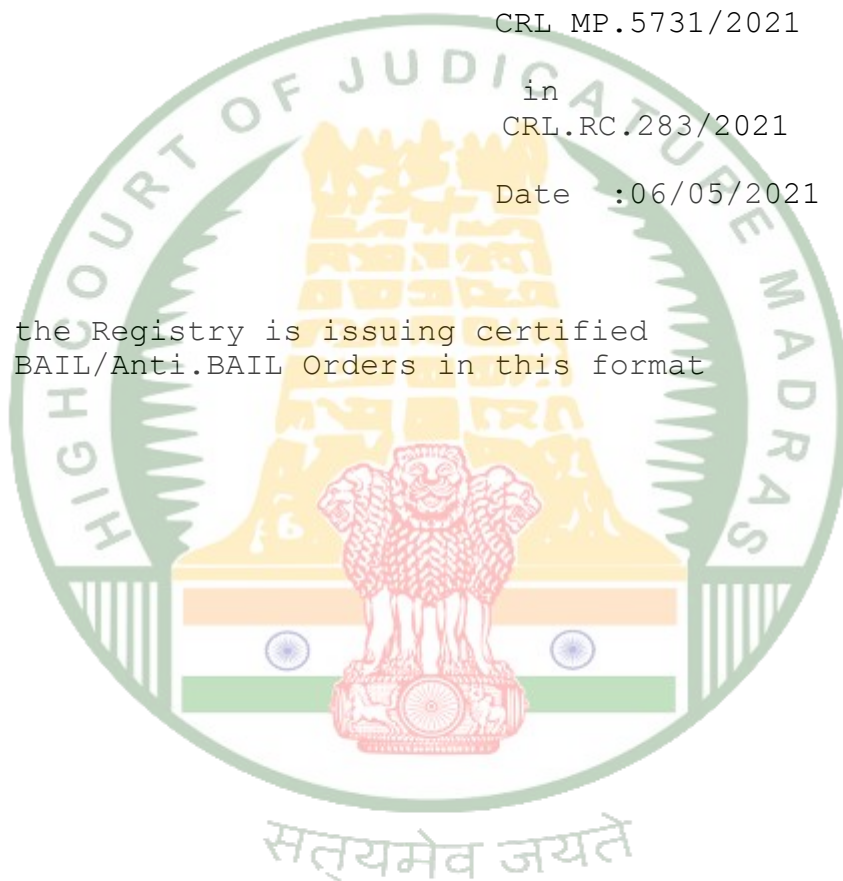
Order

in
CRL MP.5731/2021

in
CRL.RC.283/2021

Date :06/05/2021

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cs 26/05/2021



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