

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5771 of 2021

in Crl.RC. No.299 of 2021

S.Vaithiyalingam

...Petitioner

-Vs-

S.Ranganathan

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence of two years simple imprisonment and direction to pay Rs.76,20,794/- made under Judgment dated 20.08.2020 made in Crl.A.No.11 of 2020 on the file of Principal Sessions Judge, Namakkal, confirming the conviction and sentence in the judgment dated 18.12.2019 in C.C.No.295 of 2016 on the file of Judicial Magistrate-I, Namakkal, pending disposal of the above criminal revision.

For Petitioner : Mr.W.Camyles Gandhi

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 two years simple imprisonment and to pay a compensation of Rs.76,20,794/-, 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.5,00,000/- [Rupees Five lakhs only] to the credit of C.C.No.295 of 2016 on the file of the Judicial Magistrate No.1, Namakkal. 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-I, Namakkal, 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 PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE JUDICIAL MAGISTRATE-I,
NAMAKKAL.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

+1 C.C. to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR.NO.5968

Order
in
CRL MP.5771/2021
in
CRL RC.299/2021

Date :06/05/2021

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