

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

CrI.M.P.No.5727 of 2021

in CrI.R.C No.282 of 2021

Tamilarasi

...Petitioner

-Vs-

Dhanam

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) r/w. 389(1) of Cr.P.C. to suspend the sentence pursuant to the Judgment dated 15.12.2020 in CrI.A.No.22 of 2020 on the file of the Principal District & Sessions Judge, Namakkal confirming the order of conviction and sentence dated 06.02.2020 in C.C.No.80 of 2017 on the file of the Judicial Magistrate No.I, Namakkal.

For Petitioner : Mr.W.Camyles Gandhi

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 Two years of simple imprisonment and to pay the compensation amount of Rs.8,60,000/- to the respondent/complainant U/s.357(3) Cr.P.C., as ordered in C.C.No.80/2017 dated 6.2.2020 passed by the Judicial Magistrate No.I, Namakkal. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel for the petitioner submitted that the petitioner had already deposited a sum of Rs.1,72,000/- to the credit of C.C.No.80 of 2017 on the file of the learned Judicial Magistrate, No.I, Namakkal. 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 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, 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 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 JUDICIAL MAGISTRATE,
NO.I, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, NAMAKKAL

C.C. to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.5969

Order

in
CRL MP.5727/2021

in Crl.R.C No.282 of 2021

Date :06/05/2021

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RVR 12/05/2021