

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.M.P.No.5862 of 2021

in

CrI.R.C.No.315 of 2021

U.Murugesan

...Petitioner

-Vs-

A.S.Sadiq Baasha

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 11.03.2021 made in C.A.No.103 of 2017 on the file of the Id.Sessions Court, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam at Nilgiris confirming the judgment dated 05.04.2017 made in STC.No. 509 of 2016 on the file of the Id.Judicial Magistrate, Udhagamandalam and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner : Mr.N.Manoharan

ORDER

The criminal revision petition is filed as against the order dated 11.03.2021 made in C.A.No.103 of 2017 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam at Nilgiris, confirming the judgment dated 05.04.2017 made in STC.No. 509 of 2016 on the file of the learned Judicial Magistrate, Udhagamandalam, wherein, the petitioner was convicted and sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.12,00,000/- in default to undergo one month simple imprisonment for the offence under Section 138 of the Negotiable Instruments Act. Along with the revision petition, the petitioner has filed the present petition seeking suspension of sentence.

2. The learned counsel for the petitioner submitted that the petitioner is not in custody and since he is aged about 53 years, this Court may direct the sentence ordered on the petitioner to be suspended.

3. The learned Government Advocate appearing for the respondent submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, there are arguable points, which requires consideration in the revision and the revision cannot be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed by the Court below and release the petitioner on bail.

5. Accordingly, this miscellaneous petition is ordered and the sentence imposed by the first appellate Court vide Judgment made in C.A.No.103 of 2017 on the file of the learned Sessions Court, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam at Nilgiris, is hereby 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 at Udhagamandalam and the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 A.M. until further orders.

-sd/-
12/05/2021

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,
UDHAGAMANDALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
UDHAGAMANDALAM, THE NILGIRIS.

+1C.C. to M/S.N.MANOCHARAN Advocate on payment of necessary charges SR.NO.6161

Order

in
CRL MP.5862/2021

in
CRL RC.315/2021

Date :12/05/2021

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MK:31/05/2021



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