

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.05.2021

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

Crl.M.P.Nos.5985 & 5986 of 2021

in Crl.R.C.No.340 of 2021

G.Ponnusamy

... Petitioner

Vs.

M.Shanmugavadivel

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 397(1) of Criminal Procedure Code, Criminal Miscellaneous Petition is filed under Section 397(1) of Criminal Procedure Code, to suspend the execution of sentence of simple imprisonment for six months and also the payment of compensation to be paid to the respondent herein, as passed by the learned Judicial Magistrate, Avinashi in C.C.No.379 of 2009 vide her order dated 22.07.2016 and confirmed by the learned I Additional District and Sessions Judge, Tiruppur in C.A.No.91 of 2016 vide order dated 16.04.2021, pending disposal of the above Criminal Revision Petition in Crl.R.C.No. Of 2021, on the file of this Court, grant him bail.

For Petitioner : Mr.R.Baskar

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, in C.C.No.379 of 2009, by the learned Judicial Magistrate, Avinashi, and was sentenced to simple imprisonment for a period of six months and to pay a compensation of Rs.8,00,000/- to the complainant, and the conviction and sentence was confirmed by the learned I Additional District and Sessions Judge, Tiruppur. Aggrieved by the same, the revision case in Crl.R.C.No.340 of 2021 has been filed and pending disposal of the revision case, the petitioner has prayed for suspension of the substantive sentence of imprisonment and also for exemption from surrendering before the trial Court.

2.Learned counsel appearing for the petitioner submits that the petitioner has a bright chance of succeeding in the revision and, hence, prays for suspension of sentence of imprisonment.

3.This Court gave its careful consideration to the submissions of the learned counsel for the petitioner and also perused the materials available on record.

4.On a consideration of the submissions and taking into consideration the fact that the revision case is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case for grant of suspension of sentence of imprisonment. Accordingly, this Court is inclined to suspend the substantive sentence of imprisonment imposed on the petitioner/accused.

5.Accordingly, the substantive sentence of imprisonment alone stands suspended pending disposal of the revision case and the petitioner is directed to be enlarged on bail on condition that the petitioner pays a sum of Rs.4,00,000/- (Rupees Four Lakh only) to the complainant within a period of four weeks from today, and also on the condition that the petitioner shall execute bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the learned Judicial Magistrate, Avinashi, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders.

6.These petitions are ordered accordingly.

-sd/-
20/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
AVINASHI.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

4 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT-IV,
GEORGE TOWN, CHENNAI.

C.C. to M/S.R.BASKAR Advocate on payment of necessary charges

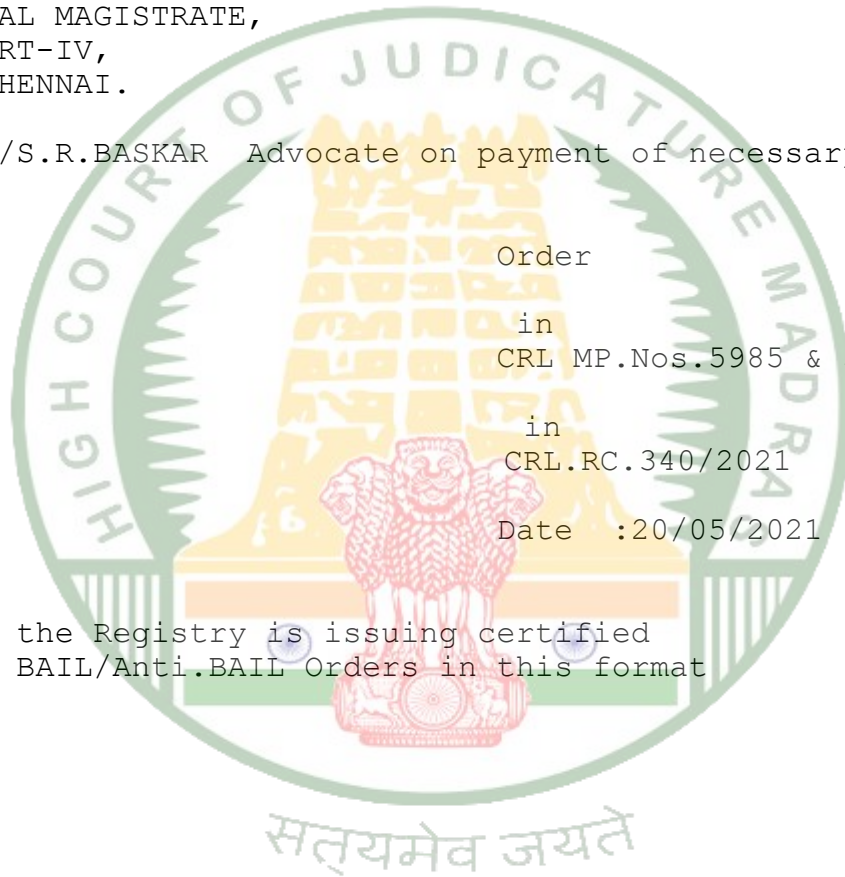
Order

in
CRL MP.Nos.5985 & 5986/2021

in
CRL.RC.340/2021

Date :20/05/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 11/06/2021



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