



Crl.M.P.No.11542 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

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THE HON'BLE Ms. JUSTICE R.N.MANJULA

Crl.M.P.No.11542 of 2021

in

Crl.R.C.No.759 of 2021

R.Shanmugam ... Petitioner/Accused

Vs.

C.Muthusamy ... Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) & (2) of Cr.P.C seeking to suspend the sentence imposed on the petitioner in C.A.No.80 of 2015 dated 30.03.2021 by the III Additional District and Sessions Judge, Tiruppur at Dharapuram as well as in C.C.No.267 of 2008 by the learned Judicial Magistrate, Kangayam dated 07.08.2015, pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : No appearance

ORDER

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner in C.A.No.80 of 2015 dated 30.03.2021



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by the III Additional District and Sessions Judge, Tiruppur at Dharapuram as well as in C.C.No.267 of 2008 by the learned Judicial Magistrate, Kangayam dated 07.08.2015.

2. The petitioner, who was the accused in C.C.No.267 of 2008 before the Judicial Magistrate, Kangayam, was convicted for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo two years simple imprisonment and to pay a sum of Rs.3,00,000/- compensation in default to undergo six months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner filed C.A.No.80 of 2015 before the III Additional District and Sessions Court, Tiruppur at Dharapuram and the same was dismissed on 30.03.2021. Aggrieved over that, the petitioner filed the present revision petition along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.M.Vijaya Ragavan, learned counsel for the petitioner.



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5. The petitioner has raised substantial grounds in the revision petition which requires detailed appraisal. The petitioner submits that he is ready to deposit a partial sum out of the compensation awarded by the lower Court in order to enlarge him on bail. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

6. Accordingly, the relief of suspension of sentence is granted on the following conditions:

(i) the petitioner shall deposit 50% of the compensation amount within two weeks from the date of receipt of a copy of this order before the trial Court.

(ii) on such deposit, the trial Court shall re-deposit the amount in a fixed deposit account in any nationalized bank so that the amount with interest can be disbursed either to the complainant or to the accused, depending upon the outcome of this revision petition.

(iii) the petitioner shall surrender before the trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each, with two sureties, of whom, one should be a



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blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Kangayam.

(iv) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate, Kangayam, may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

(v) the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

(vi) if the petitioner fails to deposit the said 50% of the compensation amount as laid down in conditions above, the trial Court may issue committal warrant and lodge the petitioner in prison to undergo the sentence.

Post the matter after two weeks 'for reporting compliance'.

17.11.2021

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To

1.The Judicial Magistrate,
Kangayam.

2.III Additional Disrict and Sessions Judge,
Tiruppur, Dharapuram



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R.N.MANJULA, J.

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