



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.7082 of 2021

in

Crl.RC.No.434 of 2021

Panneer ... Petitioner / Appellant /Accused

Vs.

Kokilesh ...Respondent/Respondent/Complainant

PRAYER : Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., seeking to suspend the sentence of imprisonment confirmed by the Hon'ble Principal District and Sessions Judge, Krishnagiri District in Cr.A.No.42 of 2019 dated 09.10.2021 confirming the Judgment of the Judicial Magistrate, Uthangarai in S.T.C.No.394 of 2016 dated 08.08.2019, pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for M/S M.RAJENDIRAN

For Respondent : Mr.T.Arockia Dass

ORDER

(The case has been heard through video conference)

The petitioner is the accused and the respondent is the complainant. The respondent had filed a private complaint under Section 200 Cr.P.C. for the offence under Section 138 of Negotiable Instruments Act before the learned Judicial Magistrate, Uthangarai, Krishnagiri District and the same was taken on file in S.T.C.No.394 of 2016. The learned Magistrate, after trial found the petitioner guilty for the offence under Section 138 of the Negotiable Instruments Act and convicted and sentenced him to undergo one year simple imprisonment and also orderd to pay the cheque amount of Rs.20 lakhs as compensation to the defacto complainant by order dated 08.08.2019. Challenging the said Judgment of conviction and sentence, the petitioner filed an appeal before the learned Principal District and Sessions Judge, Krishnagiri, in Crl.A.No.42 of 2019 and the



learned Sessions Judge, after hearing the arguments, dismissed the appeal by order dated 09.10.2021 and confirmed the conviction and sentence passed by the learned Magistrate.

2. Challenging the said Judgment of dismissal of appeal, the petitioner has filed the revision petition in CrI.RC.No.434 of 2021 before this Court and pending revision, the petitioner has filed this Criminal Miscellaneous Peittion seeking to suspend the sentence of imprisonment imposed by the Courts below as stated above.

3. Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner would submit that the petitioner has already deposited a sum of Rs.4 lakhs and due to his health condition and pandemic situation, he is unable to arrange the balance amount. However, he would submit that the petitioner would be able to arrange and deposit a sum of Rs.6 lakhs within a period of 10 days. Hence, he prays for suspension of sentence.

4. Considering the submissions of the learned Senior Counsel, this Court is inclined to grant bail to the petitioner. Accordingly, the substantive sentence of imprisonment alone is suspended till 20.09.2021 and the petitioner is directed to be enlarged on bail subject to the following conditions;

a. The petitioner is directed to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of S.T.C.No.394 of 2016 on the file of the learned Judicial Magistrate, Uthangarai, on or before 17.09.2021. Failing which, the interim suspension of sentence shall stand cancelled automatically without any further reference.

b. On such deposit and production of proof for the same, 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, Uthangarai,

c. The petitioner is directed to appear before the trial Court once in a week i.e., on every Monday at 10.30 a.m. pending revision.

5. Post the matter on 20.09.2021 "for reporting compliance".

-sd/-

02/09/2021

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.



1 THE JUDICIAL MAGISTRATE,
UTHANGARAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, KRISHNAGIRI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

C.C. to M/S.M.RAJENDIRAN Advocate on payment of necessary
charges Sr.9463

Order

in
CRL MP.7082/2021

in
CRL RC.434/2021

Date :02/09/2021

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RVR 02/09/2021