



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.8216 of 2021

IN CRL.R.C.No.503 of 2021

K.KRISHNAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

S.GNANAVEL

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed the judgment dated 10.02.2021 passed in C.A.No.80 of 2021 on the file of the Learned III Additional Sessions Judge, Villupuram at Kallakurichi by confirming the judgment dated 07.11.2019 passed in C.C.No.42 of 2017 by the Learned Judicial Magistrate (Fast Track), Kallakurichi and enlarge the petitioner on Bail pending disposal of the above CRL.R.C.No.503/2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. S.SENTHIL KUMAR, Advocate for the Petitioner and of MR.VIJAYA RAGAVAN, Advocate on behalf of the Respondent the court made the following order:-

This miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioner in judgment dated 10.02.2021 passed in C.A.No.80 of 2021 by the learned III Additional Sessions Judge, Villupuram at Kallakurichi, by confirming the judgment dated 07.11.2019 passed in C.C.No.42 of 2017 by the learned Judicial Magistrate (Fast Track), Kallakurichi and enlarge the petitioner on bail, pending disposal of the criminal revision.



2 The petitioner is an accused and the respondent is the complainant. The respondent/complainant had filed a private complaint under Section 200 of Cr.P.C. against the petitioner before the learned Judicial Magistrate (Fast Track Court) Kallakurichi, for the offence under Section 138 of Negotiable Instruments Act, (in short "the NI Act"). The learned Magistrate, after due enquiry, found the petitioner/accused guilty for the offence under Section 138 of NI Act and hence by judgment dated 07.11.2019, convicted the petitioner and sentenced him to undergo simple imprisonment for a period of one year and to pay a sum of Rs.7,00,000/- towards compensation to the complainant. Aggrieved against the said judgment of the trial Court, the petitioner had preferred an appeal in C.A.No.80 of 2019 and the learned III Additional Sessions Judge, after hearing both the counsel, by judgment dated 10.02.2021, dismissed the appeal and confirmed the judgment of conviction passed by the trial Court. Aggrieved against the concurrent judgment of conviction made by the Courts below, the petitioner has preferred the present revision before this Court along with the present petition seeking suspension of sentence.

3 Learned counsel appearing for the petitioner/accused would submit that the Trial Court had convicted the petitioner and the appellate Court has also confirmed the conviction and sentence passed by the trial Court. He would further submit that the petitioner was arrested on 30.06.2021 pursuant to the Non Bailable Warrant issued by the Trial Court. He would further submit that since now the petitioner is in custody, the brother of the petitioner has offered to settle the amount and out of the cheque amount of Rs.7.00 lakhs, the brother of the petitioner has paid an amount of Rs.4.00 lakhs to the respondent/complainant. The learned counsel for the petitioner would further submit that the petitioner/accused is also taking steps to settle the matter with the respondent/complainant and he would pray for suspension of sentence imposed on the petitioner.

4 Mr.M.Vijaya Ragavan, learned counsel appearing for the respondent/complainant would submit that the respondent/complainant had received an amount of Rs.4.00 lakhs by way of cash on 21.10.2021.

5 Heard both the learned counsel and perused the materials on record.

6 Taking into consideration the submissions made by the learned counsel on either side and the fact that the petitioner is in custody from 30.06.2021 and that he is suffered almost a period of five months imprisonment and he also paid a sum of Rs.4.00 lakhs to the respondent/complaint, the substantive sentence of imprisonment alone can be suspended.



7 Accordingly, the sentence of imprisonment imposed alone is hereby suspended till the disposal of the criminal revision and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate (Fast Track), Kallakurichi, Kallakurichi District, and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

08/12/2021

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 III ADDITIONAL SESSIONS JUDGE,
VILLUPURAM AT KALLAKURICHI.

2 THE JUDICIAL MAGISTRATE,
(FAST TRACK), KALLAKURICHI.

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

4 THE OFFICER INCHARGE,
SUB-JAIL, KALLAKURICHI.

+1 C.C. to MR.S.SENTHIL KUMAR, Advocate on payment of necessary charges SR.NO.14323

Order
in
CRL MP.8216/2021
in
CRL RC.503/2021

Date :08/12/2021

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JPA 08/12/2021