

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.M.P.No.8262 of 2020

in

Crl.R.C.No.1193 of 2020

Chandrasekar

... Petitioner

Vs.

Govindarajan
General Manager,
Sri Sai Traders,
New No.10, Old No.329, Thambu Chetty Street,
2nd Floor, Chennai – 1.

... Respondent

Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C. to order suspension of simple imprisonment 10 months and to pay the compensation amount of Rs.11,87,181/- with an interest rate of 9 percent per annum from the date of dishonour to the respondent in default to undergo simple imprisonment for two month for the offence u/s.138 of N.I. Act passed by the learned III Additional Sessions Judge in C.A.No.184 of 2020 dated 21.02.2020, confirming the order passed by the learned Metropolitan Magistrate (Fast Track) Court No.IV, George Town, Chennai, dated 05.03.2019 in C.C.No.2381 of 2016.

For Petitioner : Mr.S.N.Subramani

ORDER

The learned III Additional Sessions Judge, Chennai, in Crl.A.No.184 of 2019, has confirmed the conviction and sentence passed by the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, in C.C.No.2381 of 2016, against the petitioner, as follows:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 138 of the Negotiable Instruments Act	Simple Imprisonment for a period of ten months and a compensation of Rs.11,87,181/- with interest rate @ 9% p.a. from the date of dishonor, within one month, in default, to undergo two months Simple Imprisonment.

2.The learned counsel appearing for the petitioner contended the petitioner has deposited 20% of the award amount, i.e. Rs.2,37,437/- before the trial Court on 19.08.2019. He would further submit that the petitioner has got good chance of success in the present revision case filed before this Court. Therefore, he prayed for suspension of sentence and grant of bail.

3.Heard the learned counsel for the petitioner and perused the materials available on record.

4.The petitioner has arguable points in the revision case, which require detailed appraisal. Further, the revision case is not likely to be taken up in the near future. In such view of the matter and taking into consideration the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and grant of bail on the following conditions :

5.Accordingly, the petitioner is directed to deposit a sum of Rs.2,50,000/- (Rupees Two lakhs and Fifty thousand only) before the trial Court within a period of one month from the date of this order, and only on such deposit, the substantive sentence of imprisonment alone shall stand suspended and the petitioner shall be released on bail on the following further conditions:

- (a) the petitioner shall surrender before the trial Court and execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one of whom shall be a blood relative, each for a like sum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court No.IV,

George Town, Chennai.

(b) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

(c) on release, the petitioner shall appear before the trial Court once in a month, until the disposal of the revision case, 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 his absence, as directed by the trial Court.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

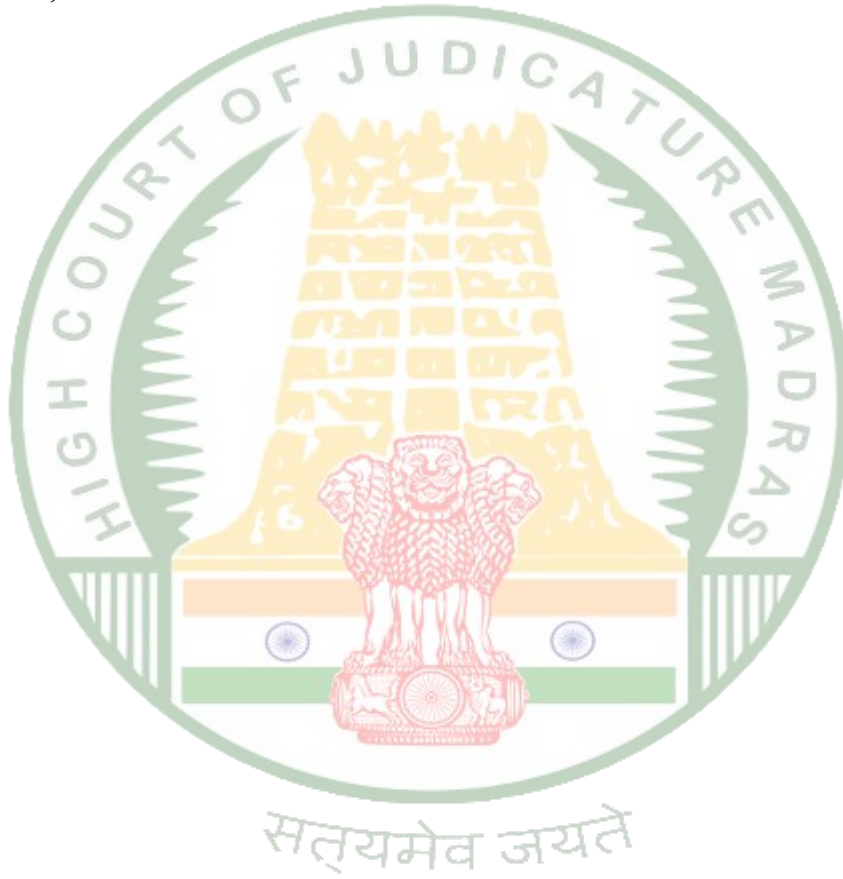
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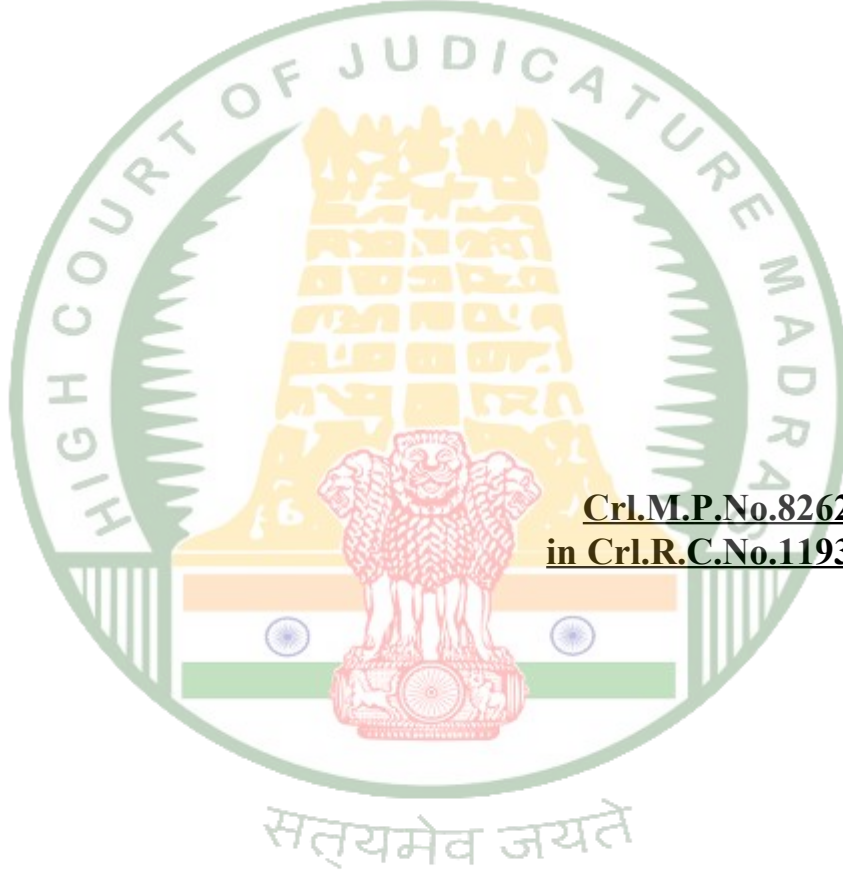
- 1.The Metropolitan Magistrate,
Fast Track Court No.IV,
George Town, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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