



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2021

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.M.P.No.10689 of 2021

in

Crl.R.C.No.656 of 2021

M.Mathanprasath

... Petitioner

Vs.

M.Subramani

... Respondent

PRAYER: Criminal Miscellaneous petition has been filed under Section 397(1) r/w. 439 of Cr.P.C., praying to suspend the sentence imposed in the judgement dated 09.03.2021 made in C.A. No.80 of 2020 on the file of the Learned Principal District and Sessions Judge, Namakkal, confirming the conviction imposed in judgement dated 24.11.2020 made in S.T.C. No.76 of 2019 on the file of the Learned Judicial Magistrate Court (FTC), Thiruchengode and enlarge on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Guruprasad

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence which were imposed against the petitioner in C.A. No.80 of 2020 on the file of the Learned Principal District and Sessions Judge, Namakkal, dated 09.03.2021 confirming the conviction imposed in judgement dated 24.11.2020 made in S.T.C. No.76 of 2019 on the file of the Learned Judicial Magistrate Court (FTC), Thiruchengode, pending disposal of this Criminal Revision Case and release the accused/petitioner on bail. The petitioner/accused has been convicted and sentenced by the trial Court as follows:

Provision under which convicted	Sentence
Section 138 of NI Act	One year Simple Imprisonment, and to pay the compensation amount of Rs.20,00,000/- to the respondent under section 357 (3) Cr.P.C., within one month, in default, to undergo one month simple imprisonment.

2.Heard the learned Counsel for the petitioner.



3. Now, since this revision has been filed, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended with the following conditions:

(a) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate Court (FTC), Thiruchengode within fifteen days from the date of receipt of a copy of this order;

(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. The learned Judicial Magistrate shall obtain a copy of their Aadhar card or Voter Identity Card or Driving license or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager, to ensure their identity to the satisfaction of the learned Judicial Magistrate Court (FTC), Thiruchengode.

(c) On release on bail the petitioners shall not influence, threaten or coerce the witnesses either during trial;

(d) the petitioner shall not abscond during trial;

(e) the petitioner shall appear on the first working day of every month before the learned Judicial Magistrate Court (FTC), Thiruchengode till the disposal of this Criminal Revision by this Court;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/ Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]. The learned Judicial Magistrate shall report the matter to the High Court for dismissal of the Criminal Revision and the petitioner shall face the criminal revision from the prison.

-sd/-

12/10/2021

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

WEB COPY

1 THE JUDICIAL MAGISTRATE COURT
(FTC), THIRUCHENGODE (TO SUBMIT YOUR REPORT)

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, NAMAKKAL

COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C.M/S.M.GURUPRASAD Advocate on payment of necessary charges
Sr.11451

Order

in
CRL MP.10689/2021

in
CRL RC.656/2021

Date :12/10/2021

From 7.2.2001 the Registry is issuing certified
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RVR 18/10/2021