



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of November Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION Nos.11339 & 11440 of 2021

IN CRL RC.NO.735 of 2021

PERUMAL

[PETITIONER]

Vs

SURESHKUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) suspend the sentence imposed on the petitioner in conviction Judgement made in Crl.A.No. 50 of 2019 dated 02.11.2020 passed by the Hon`ble I Additional District and Sessions Judge, Salem confirming Judgement made in STC No. 61 of 2018 dated 27.11.2018 passed by Learned Special Judicial Magistrate Court (Land Grabbing Cases), Salem and enlarge the petitioner on Bail pending disposal of the accompanying Criminal Revision Case NO.735 of 2021 (Crl.MP.NO.11339/2021)

(ii) pass an order of exemption from surrender in the conviction judgment in Crl.A.No.50 of 2019 dated 02.11.2020 passed by the Hon`ble I Additional District and Sessions Judge, Salem in STC No.61 of 2018 dated 27.11.2018 passed by the Learned the Special Judicial Magistrate Court (Land Grabbing Cases), Salem and thus render justice (Crl.MP.NO.11340/2021)

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. G.PUGAZHENTHI, Advocate for the Petitioner the court made the following order:-

The Criminal Miscellaneous Petition Crl.M.P.No.11339 of 2021 has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment and Crl.M.P.No.11340 of 2021 has been filed seeking to exempt the petitioner from surrendering to undergo sentence of imprisonment, imposed on the petitioner in conviction Judgment made



in CrI.A.No. 50 of 2019, dated 02.11.2020 passed by the Hon'ble I Additional District and Sessions Judge, Salem confirming Judgment made in STC No. 61 of 2018 dated 27.11.2018 passed by the Learned Special Judicial Magistrate Court (Land Grabbing Cases), Salem and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

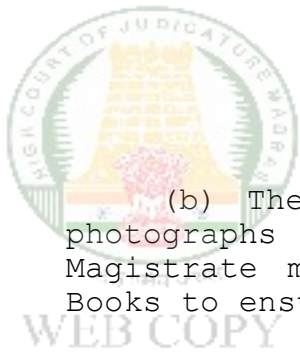
2. In and by both the impugned judgements, the Petitioner/accused was convicted for the offence under Section 138 and 142 of the Negotiable Instruments Act read with Section 200 of Criminal Procedure Code and sentenced to undergo three months Simple Imprisonment.

4. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended and the Petitioner may be exempted from surrendering before the Trial Court.

5. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

6. Earlier, this Court by order dated 09.11.2021, has granted interim suspension of sentence and exemption from surrendering till 25.11.2021. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of exemption from surrender before the Trial Court, suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/Accused shall deposit 50% of the cheque amount (Rs.5,00,000/-), namely, Rs.2,50,000/- (Rupees Two Lakhs Seventy Five Thousand Only) before the Trial Court, within two weeks from the date of receipt of a copy of this order and on such deposit being made, the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case. Thereafter, the petitioner/accused is ordered to be released on bail, on his executing a bond for a sum of 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 Special Judicial Magistrate (Land Grabbing Cases), Salem.



(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar 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 his absence, as directed by the Trial Court.

(d) On the failure of the Petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. These Criminal Miscellaneous Petitions stands ordered accordingly.

7. Notice to the respondent returnable on 16.12.2021. Private notice is also permitted. Post the matter on 16.12.2021 for reporting compliance.

-sd/-
25/11/2021

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 SPECIAL JUDICIAL MAGISTRAT
COURT (LAND GRABBING CASES), SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]



3 THE I ADDITIONAL DISTRICT
AND SESSIONS JUDGE, SALEM.

WEB COPY

C.C. to M/S. G.PUGAZHENTHI Advocate on payment of necessary
charges

Order

in
CRL MP.Nos.11339 & 11440 of 2021

in
CRL RC.735/2021

Date :25/11/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RW 25/11/2021