



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION Nos.12786 & 12787 of 2021

IN CRL.RC.NO.935 of 2021

K.JAYARAMAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

V.PANDIYAN

[RESPONDENT/COMPLAINANT]

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 of Imprisonment imposed in Judgment dated 21.02.2019 made in S.T.C.No.1722/2014 on the file of the Judicial Magistrate Court No.I, Mannargudi Confirming the conviction imposed in the Judgement dated 03.09.2021 made in C.A.No.14/2019 on the file of the Principal District and Sessions Judge, Tiruvarur and enlarge the petitioner on bail pending disposal of the above CRL.RC.NO.935 of 2021. [IN CRL.MP.NO.12786/2021]

(ii) grant an order of exemption from surrendering before the trail court in pursuance to the Judgment dated 03.09.2021 made in C.A.No.14/2019 on the file of the Learned Principal District and Sessions Judge, Tiruvarur Confirming the Conviction imposed in Judgment dated 21.02.2019 made in S.T.C.No.1722/2014 on the file of the Learned Judicial Magistrate Court No.1, Mannargudi pending disposal of the above CRL.RC.NO.935 of 2021. [IN CRL.MP.NO.12787/2021]

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 M.GURUPRASAD, Advocate for the petitioner the court made the following order:-

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 21.02.2019 in S.T.C.No.1722



of 2014 passed by the Judicial Magistrate No.I, Mannargudi and confirmed by the judgment dated 03.09.2021 in C.A.No.14 of 2019 on the file of the Principal District and Sessions Judge, Thiruvavur.

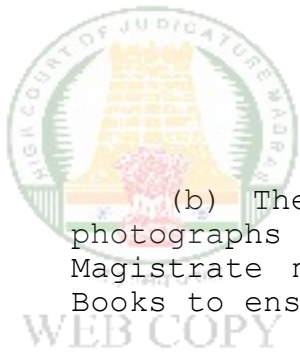
2. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

3. In and by both the impugned judgments, for non-payment of the cheque amount in question, viz., Rs.2,00,000/- the petitioner/accused was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, to undergo six months Simple Imprisonment and to pay a sum of Rs.2,00,000/- as compensation to the respondent/complainant within two months from the date of judgment in default to undergo one month S.I. The petitioner had filed appeal in C.A.No.49/2021 before the Special Court for trial of case under SC/ST (POA) and the Appellate Court by order dated 03.09.2021, had dismissed the appeal and confirmed the conviction and sentence, against which, the present revision has been filed.

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. 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.2,00,000/-), namely, Rs.1,00,000/- (Rupees One Lakh 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 disbursement 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 Judicial Magistrate No.1, Mannargudi.



(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 by two weeks.

8. Post the matter after three weeks for reporting compliance.

-sd/-

13/12/2021

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVARUR.

2 THE JUDICIAL MAGISTRATE,
NO.I, MANNARGUDI, THIRUVARUR DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]



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

WEB COPY

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

Order

in
CRL MP. Nos.12786 & 12787/2021
in
CRL RC.935/2021

Date :13/12/2021

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

RW 13/12/2021