



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.13026 of 2021

IN CRL RC.968/2021

N.ELANGOVAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

B.SRINIVASAN

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.968/2021 on the file of the High Court, the High Court will be pleased to suspend the sentence which were imposed against the petitioner in Crl.A.No.353 of 2019 by an order dated 22.10.2021 on the file of IV Additional District and Sessions Judge, Coimbatore District as well as the judgement of conviction passed in C.C.653/2014 by an order dated 18.10.2019 on the file of Fast Track Court No.1 (Magistrate Level) Coimbatore, pending disposal of the CRL RC.968/2021 IN CRL.MP.NO.13026/2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.968/2021 on the file of the High Court and upon hearing the arguments of MR.P.SARAVANAN Advocate for the Petitioner the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 18.10.2019 in C.C.No.653 of 2014 passed by the Fast Track Court No.1, (Magistrate level), Coimbatore and confirmed by the judgment dated 22.10.2021 in C.A.No.353 of 2019 on the file of the learned IV Additional District and Session Judge, Coimbatore.

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

3. In and by the trial court judgment, for non-payment of the cheque amount in question, viz., Rs.1,40,000/- the petitioner/accused was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, to undergo six months Simple Imprisonment. The petitioner had filed appeal in C.A.No.353 of 2019 before the learned IV Additional District and Session Judge, Coimbatore and the Appellate Court by judgment dated 22.10.2021, 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 enlarged on bail.

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 suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/Accused shall deposit 50% of the cheque amount (Rs.1,40,000/-), namely, Rs.70,000/- (Rupees Seventy 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 Fast Track Court No.1, (Magistrate Level), Coimbatore.

(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. This Criminal Miscellaneous Petition stands ordered accordingly.



7. Notice to the respondent returnable by two weeks.

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

WEB COPY

-sd/-

15/12/2021

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 FAST TRACK COURT NO.1,
(MAGISTRATE LEVEL), COIMBATORE.

2 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
COIMBATORE DISTRICT.

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

Order
in
CRL MP.13026/2021
in
CRL RC.968/2021
Date :15/12/2021

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

CSK 15/12/2021