



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION Nos.13527 AND 13528 of 2021

(*) IN CRL R.C.1031/2021

V.MURUGAIYAN

[PETITIONER/APPELLANT/ACCUSED
IN BOTH PETITIONS]

Vs

A.SAMINATHAN

[RESPONDENT/COMPLAINANT]
IN BOTH PETITIONS

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in **(*)CRL RC.1031/2021** on the file of the High Court, the High Court will be pleased to

(i) suspend the sentence passed in C.A.NO.33 of 2017 dated 23.04.2021 on the file of the Hon'ble Additional Sessions Judge, Fast Track Magila Court, Tiruvarur and enlarge the petitioner on bail, pending disposal of the above **(*)CRL RC.1031/2021** IN CRL.MP.NO.13527/2021.

(ii)Exempt the petitioner to surrender the order dated 23.04.2021 made in Criminal Appeal No.33 of 2017 on the file of the Additional Sessions Judge, Mahila Court, tiruvarur confirming the order dated 27.06.2017 made in S.T.C.NO.11 of 2016 on the file of the Learned Judicial Magistrate Fast Track Court, thiruthuraipoondi pending disposal of the above **(*)CRL RC.1031/2021** IN CRL.MP.NO.13528/2021.

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in **(*)CRL RC.1031/2021** on the file of the High Court and upon hearing the arguments of MR.N.PALANIVEL Advocate for the Petitioner [IN BOTH PETITIONS] 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 judgment dated 27.06.2017 made in S.T.C.No.11 of 2016 by the learned Judicial Magistrate, Fast Track Court, Thiruthuraipoondi and confirmed by the judgment dated 23.04.2021



passed in C.A.No.33 of 2017 by the learned Additional Sessions Judge, Mahila Court, Tiruvarur and exemption from surrendering before the trial court pending disposal of the above revision.

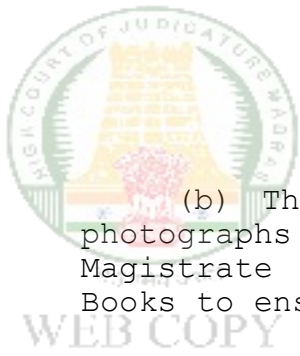
2. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

3. In and by the judgment of the trial court, for non-payment of the cheque amount in question, viz., Rs.12,00,000/- 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.15,00,000/- as compensation to the respondent/complainant within a period of two months in default to undergo two months S.I. The petitioner had filed appeal in C.A.No.33 of 2017 before the learned Additional Sessions Judge, Mahila Court, Tiruvarur and the Appellate Court by order dated 23.04.2021, 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.12,00,000/-), namely, Rs.6,00,000/- (Rupees Six Lakhs Only) before the Trial Court, within three 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 Judicial Magistrate, Fast Track Court, Thiruthuraipoondi.



(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. Post the matter after four weeks for reporting compliance.

-sd/-

23/12/2021

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.

(*)Corrected copy to be substituted for the order already despatched on 28/12/2021.

TO

1 THE ADDITIONAL SESSIONS JUDGE,
MAHILA COURT, TIRUVARUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, THIRUTHURAIPOONDI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]



+1C.C. to MR.N.PALANIVEL
charges SR.NO.15416

Advocate on payment of necessary

WEB COPY

Order
in
CRL MP.NOs.13527&13528/2021
in
(*)CRL RC.1031/2021
Date :23/12/2021

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

CSK 23/12/2021

CSK 27/01/2022