



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION Nos.1674 & 1675 of 2022

IN CRL RC.174 of 2022

BRINDHA

[PETITIONER]

Vs

K.T.MUTHUKUMAR

[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 of imprisonment imposed on the petitioner to undergo 3 months Simple Imprisonment in the Judgement dated 19.03.2021 made in C.A.No. 145 of 2020 on the file of the Learned First Additional District and Sessions Court, Coimbatore confirming the judgement dated 21.02.2020 made in STC.NO.137 of 2016 on the file of the Learned Judicial Magistrate No.I, Pollachi and enlarge the petitioner on Bail. [CRL.M.P.Nos.1674/2022]

(ii) Grant an order of exemption from surrendering before the trial court in pursuance to the judgement dated 19.03.2021 made in C.A.No. 145 of 2020 on the file of the learned First Additional District and Sessions Court, Coimbatore confirming the Judgement dated 21.02.2020 made in STC.No. 137 of 2016 on the file of the Learned Judicial Magistrate No.1, Pollaachi. [CRL.M.P.Nos.1675/2022]

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. D.R.ARUN KUMAR, 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 21.02.2022 in STC.No.137 of 2016 passed by the Judicial Magistrate No.1, Pollachi and confirmed by the judgment



dated 19.03.2021 in C.A.No.145 of 2020 on the file of the First Additional District and Sessions Court, Coimbatore and seeking to exempt the petitioner from surrendering before the trial court

2. The petitioner faced trial in STC.No.137 of 2016 on the file of the Judicial Magistrate No.1, Pollachi and the trial Court, by a judgment dated 21.02.2022, convicted the petitioner under Section 138 of the NI act and sentenced him to undergo three months simple imprisonment and the same was confirmed by the First Additional District and Sessions Court, Coimbatore in C.A.No.145 of 2020 Vide its order dated 19.03.2021. Challenging the same, the present Revision has been filed.

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

4.According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case, 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.

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, exemption from surrendering and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on he executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No-2, Pollachi.

(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.



6. These Criminal Miscellaneous Petition stand ordered accordingly.

-sd/-
18/02/2022

WEB COPY

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 FIRST ADDITIONAL DISTRICT
AND SESSIONS COURT, COIMBATORE

2 THE JUDICIAL MAGISTRATE,
NO.I, POLLACHI.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

+1 C.C. to M/S. D.R.ARUN KUMAR Advocate on payment of necessary charges SR.NO.2635

Order
in
CRL MP.1674 & 1675/2022
in
CRL RC.174/2022

Date :18/02/2022

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

JPA 23/02/2022