



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of January Two Thousand Twenty Two

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.198 & 205 of 2022

IN CRL.R.C.No.30 of 2022

G.SATHISHKUMAR

[PETITIONER IN BOTH THE PETITIONS]

Vs

P.SARAVANAN

[RESPONDENT IN BOTH THE PETITIONS]

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

(i) To suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 08/11/2021 made in C.A.No.37/2021 on the file of the learned Principal Sessions Judge, Tiruppur Confirming the judgment dated 22/04/2021 made in C.C.No.53/2014 on the file of the learned Fast Track Court at Magisterial Level, Tiruppur and enlarge the petitioner on bail pending disposal of the above Crl.R.C.30 of 2022. (CRL.M.P.NO.198/2022 IN CRL.R.C.NO.30/2022)

(ii) To grant an order of exemption from surrendering before the trial court in pursuance to the judgment dated 08/11/2021 made in C.A.No.37/2021 on the file of the learned Principal Sessions Judge, Tiruppur Confirming the judgment dated 22/04/2021 made in C.C.No.53/2014 on the file of the learned Fast Track Court at Magisterial Level, Tiruppur sentencing him to undergo six month simple imprisonment and fine a sum of Rs.3,00,000/- and in default in fine to undergo to one month simple imprisonment pending disposal of the above Crl.R.C.30 of 2022.

(CRL.M.P.NO.205/2022 IN CRL.R.C.NO.30/2022)

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.K.SUDHAKAR, Advocate for the petitioner [IN BOTH THE PETITIONS] the court made the following order:-



These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence imposed on the petitioner by the learned Principal Sessions Judge, Tiruppur in CrI.A.No.37 of 2021 dated 08.11.2021 confirming the judgment of conviction passed by the Learned Fast Track Court Magisterial Level, Tiruppur in C.C.NO.53 of 2014 and enlarge the petitioner on bail till the disposal of the above revision and exempt the petitioner from surrendering before the Trial Court.

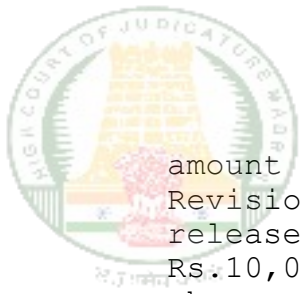
2. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

3. In the trial court judgment, for non-payment of the cheque amount in question, viz., Rs. 3,00,000/-, the petitioner was convicted for the offence under Section 138 of NI Act and sentenced to undergo Six months Simple Imprisonment and to pay a fine of Rs. 60,000/- in default to undergo Simple Imprisonment for two months. A1 being a firm is sentenced to pay a fine of Rs.3,00,000/- as compensation to the respondent/complainant and in default to undergo simple imprisonment for one month. The petitioner had filed CrI.A.No.37 of 2021 before Principal Session Judge, Tiruppur and the Appellate Court had confirmed the sentence and against which the present revision has been filed.

4. Learned counsel for the petitioner would submit that the cheque amount is Rs.3,00,000/- and during the appeal, he had deposited the amount of Rs.60,000/- and he is prepared to deposit Rs.1,00,000/- before the Trial Court. According to the learned counsel for the petitioners, 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 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner 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 suspension of sentence, exemption from surrendering and bail are granted on the following conditions:

(a) The petitioner shall deposit **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 disbursal of this



amount shall be decided at the culmination of the Criminal Revision Case. Thereafter, the petitioners 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 Learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur.

(b) The petitioners 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, depositing the said amount, it is open to the Trial Court to commit the petitioners into custody for undergoing the sentence.

6. These Criminal Miscellaneous Petitions stands ordered accordingly. Post the matter after three weeks for reporting compliance.

-sd/-
12/01/2022

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 SESSIONS JUDGE,
TIRUPPUR.

2 THE FAST TRACK COURT
MAGISTERIAL LEVEL, TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]



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

WEB COPY

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

Order

in
CRL MP.198 & 205/2022

in
CRL RC.30/2022

Date :12/01/2022

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

TA-12/01/2022