



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION No.750 & 752 of 2022

and CRL.M.P.No.2723 of 2022

IN CRL.R.C.NO.78 of 2022

K.MOHAN BABU

[PETITIONER IN BOTH THE PETITIONS]

Vs

V.PARIMALA

[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 imposed on the petitioner/Appellant in C.C.No.50 of 2018 dated 05.12.2019 on the file of the Learned Judicial Magistrate Court, Sulur, Coimbatore District as confirmed by the Judgement of the Learned I Additional District and Sessions Judge, Coimbatore in C.A.No.10 of 2020 dated 30.07.2020. (CRL.M.P.No.750 of 2022)

(ii) To exempt the petitioner from surrender in C.C.No.50 of 2018 dated 05.12.2019 on the file of the Learned Judicial Magistrate Court, Sulur, Coimbatore District as confirmed by the Judgment of the Learned I Additional District and Sessions Judge, Coimbatore in C.A.No.10 of 2020 dated 30.07.2020. (CRL.M.P.No.752 of 2022)

(iii) To extend the time for deposit of payment of RS.4,64,000/- (Rupees Four Lakhs Sixty Four Thousand Only) before the Learned Judicial Magistrate at Sulur for the period of two months in Crl.M.P.No.750/2022 of Crl.R.C.No.78 of 2022 dated 01.02.2022 by this court and to pass further suitable orders. (CRL.M.P.No.2723 of 2022)

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments NO APPEARANCE Advocate for the petitioner, [IN ALL THE PETITIONS] the court made the following order:-



Today, when the matter is taken up for hearing, there was no representation on behalf of the petitioner.

2. On verification of documents, it seems that the petitioner, viz. K.Mohan Babu herein is the accused in C.C.No.50 of 2018 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District.

3. The above said case has been filed by the respondent herein under Section 138 of the Negotiable Instruments Act. After elaborate trial, the learned Judicial Magistrate, Sulur, Coimbatore District, by judgment and order dated 05.12.2019, convicted the accused and sentenced to undergo one year Simple Imprisonment and to pay a fine amount of Rs.5,000/-, in default to undergo Simple Imprisonment for three months, for the offence punishable under Section 138 of the Negotiable Instruments Act. Challenging the same, the petitioner has preferred an appeal in C.A.No.10 of 2020 on the file of the learned I Additional District and Sessions Judge, Coimbatore. By judgment dated 30.07.2020, the learned Judge, confirmed the findings arrived at by the trial Court and ultimately, dismissed the appeal.

4. Challenging the said concurrent findings, the petitioner has filed this Criminal Revision Petition in Crl.R.C.No.78 of 2022 before this Court along with Crl.M.P.Nos.750 and 752 of 2022 prayed to suspend the sentence imposed on the petitioner and to exempt him from surrendering before the trial Court. This Court, by order dated 01.02.2022, allowed the said petitions and granted an order of suspension, with some conditions. Among which, vide condition order no.5.(a)., the petitioner herein was directed to deposit Rs.4,64,000/- [Rupees Four Lakhs Sixty Four Thousand only] before the trial Court, within a period of two weeks from the date of receipt of the order.

5. Thereafter, the very same petitioner herein filed one another petition in Crl.M.P.No.2723 of 2022 wherein he prayed to extend the period for depositing the amount. This Court, by order dated 04.03.2022 also extended the time for a period of one month for complying with the above said condition by way of depositing Rs.4,64,000/-. But instead of complying with the said condition, today, when the matter is taken up for hearing, there was no representation for the petitioner, it shows that he has not deposited the said amount and therefore, it is a fit case to revoke the order dated 01.02.2022, through which, the order of suspension has been granted to the petitioner.

6. Accordingly, this Court revoked the order dated 01.02.2022. Further, directs the learned Judicial Magistrate, Sulur, Coimbatore District, to take steps for securing the accused and to commit him to the prison. After complying with the said direction, the learned Judicial Magistrate, Sulur, Coimbatore District, is directed to send a report in this regard, within a period of three weeks.



Post the matter after four (4) weeks.

-sd/-
04/04/2022

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 I ADDITIONAL DISTRICT
AND SESSION JUDGE, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
SULUR, COIMBATORE DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

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

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

Order

in
CRL MP.750 & 752/2022
and
CRL.M.P.No.2723 of 2022
in
CRL.R.C.NO.78 of 2022

Date :04/04/2022

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TA-07/04/2022