



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.3579 & 4548 of 2022

in Crl.RC.No.338 of 2022

T.K.C.Shanthakumar

...Petitioner/Accused

Vs.

K.Vijayakumar

... Respondent

PRAYER:

Criminal Miscellaneous Petitions filed under Sections 397 & 482 of Cr.P.C to suspend the sentence of imprisonment imposed by the learned V Additional Sessions Judge, City Civil Court, Chennai in C.A.No.23 of 2020 dated 23.08.2021 by confirming the judgment and sentence passed in CC.No.883 of 2012 dated 03.12.2019 by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial court pending disposal of Crl.RC.No.338 of 2022.

For Petitioner : Mr.A.Balasingh Ramanujam

C O M M O N O R D E R

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking to suspend the sentence of imprisonment imposed by the the learned V Additional Sessions Judge, City Civil Court, Chennai in C.A.No.23 of 2020 dated 23.08.2021 by confirming the judgment and sentence passed in CC.No.883 of 2012 dated 03.12.2019 by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial court pending disposal of the above revision petition.



2. The petitioner herein is the accused in CC.No.883 of 2012 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai. He was found guilty of the offence under Sections 138 & 142 of NI Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Sections 138 & 142 of NI Act	to undergo simple imprisonment for a period of one year and to pay the cheque amount of Rs.50,000/- as compensation to the complainant within one month, in default to undergo further three months simple imprisonment

Aggrieved against the same, the petitioner had filed appeal in C.A.No.23 of 2020 and the learned V Additional Sessions Judge, City Civil Court, Chennai by order dated 23.08.2021 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision in CrI.RC.No.338 of 2021 has been filed along with the instant miscellaneous petitions seeking suspension of sentence and bail and also to exempt the petitioner from surrendering before the trial court.

3. 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 and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner already deposited 20% of the cheque amount, namely Rs.10,000/-before the trial court and now he is ready to deposit 30% of the remaining amount, namely Rs.15,000/- before the trial court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner, further this revision is not likely to be taken for final hearing in the near future, 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 shall deposit 30% of the remaining amount namely Rs.15,000/- to the credit of CC.No.883 of 2012 before the trial court i.e. the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai within a period of four 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai.

(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. With the above directions, these Criminal Miscellaneous Petitions are ordered.

-sd/-
13/04/2022

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 V ADDITIONAL SESSIONS
JUDGE, CITY CIVIL COURT, CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
FAST TRACK COURT NO.II,
EGMORE AT ALLIKULAM, CHENNAI.

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

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

C.C. to M/S. A.BALASINGH RAMANUJAM Advocate on payment of
necessary charges

Order

in
CRL MP.Nos.3579 & 4548 /2022

in
CRL RC.338/2022

Date :13/04/2022

From 7.2.2001 the Registry is issuing certified
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RW 13/04/2022