



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.2966 & 2967 of 2022

in

Crl.RC.No.288 of 2022

A.V.Manimaran

...Petitioner in both
Petitions

Vs.

S.Nachimuthu

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 397(1) r/w 389 (1) & 482 of Cr.P.C to suspend the sentence imposed in C.C.No.38 of 2015 dated 12.08.2020 passed by the Judicial Magistrate, Fast Track Court, Fast Track Court at Magisterial Level, Tiruppur and confirmed by the Judgment dated 10.02.2022 passed in Crl.A.No.25 of 2020 on the file of the Principal Session Judge, Tiruppur, and to exempt the petitioner from surrendering pending disposal of Crl.RC.No.288 of 2022

For Petitioner : Mr.V.Regunathan

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence imposed by the learned Principal Sessions Judge, Tiruppur, in Crl.A.No.25 of 2020 dated 10.02.2022 by confirming the judgment and sentence passed in C.C.No.38 of 2015 dated 12.08.2020 by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Tiruppur, 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.38 of 2015 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Tiruppur. He was found guilty of the offence under Section 138 of NI Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 138 of NI Act	to undergo simple imprisonment for a period of six months and to pay the cheque amount of Rs.4,00,000/- in default to undergo a simple imprisonment for two months.

Aggrieved against the same, the petitioner had filed appeal in C.A.No.25 of 2020 and the learned Principal Sessions Judge, Tiruppur, by the judgment dated 10.02.2022 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

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 further submit that to prove his bona fide, the petitioner has already been deposited 50% of the cheque amount before the Court below.

4. In order to prove the same, the learned counsel appearing for the petitioner has produced a copy of the receipt issued by the learned Judicial Magistrate, Fast Track Court (Magisterial level), Tiruppur, dated 22.03.2022 for a sum of Rs.2,00,000/- (Rupees two lakh only).

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

6. 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) Since the petitioner has already deposited 50% of the cheque amount namely a sum of Rs.2,00,000/- before the Judicial Magistrate, Fast Track Court (Magisterial level), Tiruppur, the said Court shall redeposit the amount deposited by the petitioner/accused, 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. 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 Judicial Magistrate, Fast Track Court (Magisterial Level), Tiruppur.

(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/-

23/03/2022

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 SESSION
JUDGE, TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT AT MAGISTERIAL LEVEL,
TIRUPPUR.



3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

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

+1 C.C. to M/S. V.REGUNATHAN Advocate on payment of necessary
charges SR.NO. 4340

Order

in
CRL MP.Nos.2966 & 2967 of 2022/2022

in
CRL RC.288/2022

Date :23/03/2022

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

RW 24/03/2022