



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.Nos.3391 & 3393 of 2022

in

Crl.R.C.No.325 of 2022

R.Mohan

... Petitioner

Vs.

S.Elango

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 389 (1) and 482 of Cr.P.C, to suspend the sentence made in order dated 01.02.2022 in C.A.No.82 of 2021 on the file of the Principal Sessions Judge, Tiruppur in confirming the judgment dated 14.09.2021 in C.C.No.230 of 2013 on the file of the Fast Track Court, Magisterial Level at Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition and exempt the petitioner from surrendering.

For petitioner : Mr.K.Myilsamy

O R D E R

These Criminal Miscellaneous Petitions filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 14.09.2021 passed in C.C.No.230 of 2013 by the learned Judicial Magistrate, (Fast Track Court) Tiruppur, confirmed by the Principal Sessions Judge, Tiruppur, judgment dated 01.02.2022 in C.A.No.82 of 2021 and seeks exemption for the petitioner from surrendering before the trial court.

2. The petitioner/accused was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act, 1881 and thereby the accused was convicted under Section 255(2) Cr.P.C., and the accused was sentenced to undergo six months and pay the cheque amount of Rs.3,00,000/- as compensation. The Lower Appellate Court confirmed the conviction of the trial Court. Challenging the said order of conviction and sentence, pending revision, the petitioner filed the present petitions.



3. Considering the fact that as there are arguable points raised in the revision and taking into consideration, the facts and circumstances of the case. This Court had admitted the Revision case of the petitioner, ordered notice. Hence, this Court is inclined to suspend the sentence imposed on the petitioner/accused on the following condition :

4. The petitioner/accused is directed to deposit a sum of Rs.1,50,000/- on or before 08.04.2022 and on such deposit, the sentence of imprisonment alone shall be suspended and the petitioner shall be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate No.1, Tiruppur, and on further conditions that :

(i) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court on the first working day of every month until the disposal of the Revision 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.

5. It is made clear that if the petitioner/accused fails to deposit the said amount of Rs.1,50,000/- or or before 08.04.2022, this order of suspension of sentence granted by this Court will automatically stand dismissed.

6. In view of the suspension of sentence, the petitioner is exempted from surrendering before the Court. CrI.M.P.No.3393 of 2022 is ordered accordingly.

7. These Criminal Miscellaneous Petitions stand ordered accordingly.

-sd/-

18/03/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.1, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PRINCIPAL SESSION JUDGE
TIRUPPUR

4 THE FAST TRACK COURT,
MAGISTERIAL LEVEL AT TIRUPPUR

C.C. to M/S. K.MYILSAMY Advocate on payment of necessary charges
Sr.4204

Order

in
CRL MP.Nos.3391 & 3393 of 2022

in
CRL RC.325/2022

Date :18/03/2022

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RVR 21/03/2022