



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.4493 & 4494 of 2022

in Crl.RC.No.431 of 2022

M.Venkatesan

... Petitioner/Accused

Vs.

C.Selvajothilingam

... Respondent

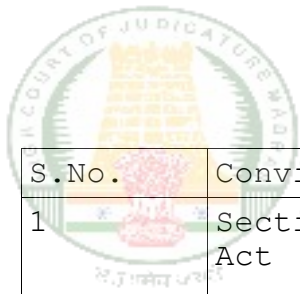
PRAYER: Criminal Miscellaneous Petitions filed under Sections 397, 401, 439 & 482 of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Additional District and Sessions Judge, Kancheepuram at Chengalpet in C.A.No.59 of 2012 dated 22.02.2022 by confirming the judgment and sentence passed in CC.No.26 of 2011 dated 08.10.2012 by the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Alandur and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial court pending disposal of Crl.RC.No.431 of 2022.

For Petitioner : Mr.T.R.Ravi

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking to suspend the sentence of imprisonment imposed by the learned Additional District and Sessions Judge, Kancheepuram at Chengalpet in C.A.No.59 of 2012 dated 22.02.2022 by confirming the judgment and sentence passed in CC.No.26 of 2011 dated 08.10.2012 by the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Alandur 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.26 of 2011 on the file of the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Alandur. 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 a fine of Rs.5,000/-, in default to undergo one month simple imprisonment and also to pay compensation of Rs.50,000/-, in default to undergo one month simple imprisonment

Aggrieved against the same, the petitioner had filed appeal in C.A.No.59 of 2012 and the learned Additional District and Sessions Judge, Kancheepuram at Chengalpet by order dated 22.02.2022 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 submit that the petitioner is ready to abide the condition imposed by this 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 50% of the cheque amount (Rs.5,50,000/-) namely Rs.2,75,000/- to the credit of CC.No.26 of 2011 before the trial court i.e. the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Alandur 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



3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

4 THE SECTION OFFICER
CRIMINAL SECTION
HIGH COURT, MADRAS

+2 C.C. to M/S.T.R.RAVI Advocate on payment of necessary charges
SR.NOS.5114 & 5115

Order
in
CRL MP.4493 4494/2022
in
CRL RC.431/2022

Date :05/04/2022

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JPA 07/04/2022