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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.4285 & 4283 of 2022

in Crl.RC.No.420 of 2022

Moduga Sri Jagadish ...Petitioner/Accused

Vs.

Parthiban Ravindran ... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Sections 397(1) & 482 of Cr.P.C to suspend the sentence of imprisonment imposed by the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam in C.A.No.76 of 2020 dated 03.01.2022 by confirming the judgment and sentence passed in STC.No.1141 of 2016 dated 24.02.2020 by the learned Judicial Magistrate No.I, Gobichettipalayam and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial court pending disposal of Crl.RC.No.420 of 2022

For Petitioner : Mr.N.Manoharan

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 learned III Additional District and Sessions Judge, Erode at Gobichettipalayam in C.A.No.76 of 2020 dated 03.01.2022 by confirming the judgment and sentence passed in STC.No.1141 of 2016 dated 24.02.2020 by the learned Judicial Magistrate No.I, Gobichettipalayam 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 STC.No.1141 of 2016 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam. He was found guilty of the offence under Section 138 of NI Act and he has been convicted and sentenced as under:

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S.No.	Conviction	Sentence
1	Section 138 of NI Act	to undergo simple imprisonment for a period of six months and to pay Rs.33,00,000/- as compensation

Aggrieved against the same, the petitioner had filed appeal in C.A.No.76 of 2020 and the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam by order dated 03.01.2022 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.33,00,000/-) namely Rs.16,50,000/- to the credit of STC.No.1141 of 2016 before the trial court i.e. the learned Judicial Magistrate No.I, Gobichettipalayam within a period of five 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 Judicial Magistrate No.I, Gobichettipalayam

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(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.

7. Post the matter after five weeks for reporting compliance.

-sd/-
05/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL DISTRICT AN
SESSIONS JUDGE, ERODE AT GOBICHETTIPALAYAM.

2 THE JUDICIAL MAGISTRATE,
NO.I, GOBICHETTIPALAYAM.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

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

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+1 C.C. to M/S.N.MANOHARAN Advocate on payment of necessary charges SR.NO. 5180

Order

in
CRL MP.Nos.4285 & 4283/2022

in

Crl.RC.No.420 of 2022

Date :05/04/2022

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

RW 07/04/2022

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