



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5358 of 2022

in Crl.R.C.No.528 of 2022

Loordhusamy,
S/o.Late Chinnappan

...Petitioner /
Accused

versus

Andhoniraj,
S/o.Yaccob

...Respondent /
Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Sections 397 (1) & 401 of Cr.P.C., praying to suspend the sentence of imprisonment imposed on the petitioner by the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur, in C.A.No.33 of 2018 dated 07.09.2021, by confirming the judgment passed by the learned Fast Track Judicial Magistrate, Thiruthuraipoondi, in S.T.C.No.42 of 2014 dated 08.06.2018 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

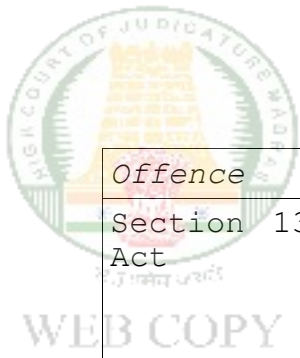
For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.M.P.Yuvaraj

ORDER

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence imposed upon him, by judgment and order dated 07.09.2021 passed in C.A.No.33 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur, by confirming the judgment passed by the learned Fast Track Judicial Magistrate, Thiruthuraipoondi, in S.T.C.No.42 of 2014 dated 08.06.2018 and to enlarge him on bail, pending disposal of the Criminal Revision Case.

2. The petitioner herein is the accused in S.T.C.No.42 of 2014 on the file of the learned Fast Track Judicial Magistrate, Thiruthuraipoondi. He was found guilty of the offence under Section 138 of NI Act and has been convicted and sentenced as under:



Offence	Sentence
Section 138 of NI Act	Simple Imprisonment for a period of 1 year and to pay the cheque amount of Rs.4,00,000/- as compensation to the complainant within one month from the date of judgment, in default, to undergo Simple Imprisonment for 2 months

Aggrieved against the same, the petitioner has filed appeal in C.A.No.33 of 2018 and the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur, by judgment dated 07.09.2021 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 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 relief of suspension of sentence and bail is granted on the following conditions:

(a) Since the respondent has filed a petition for compounding the offence, the question of depositing the cheque amount, is not necessary. Therefore, 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 Fast Track Judicial Magistrate, Thiruthuraipoondi;

(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; and

(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 appeal 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, this Criminal Miscellaneous Petition is ordered.

-sd/-

25/04/2022

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 SESSIONS JUDGE
FAST TRACK MAHILA COURT,
TIRUVARUR.

2 THE FAST TRACK JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, THIRUCHIRAPALLI.

+1C.C. to M/S SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.No.6120

Order
in
CRL MP.5358/2022
in
CRL RC.528/2022
Date :25/04/2022

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

CSK 27/04/2022