



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.6280 of 2022

in Crl.R.C.No.593 of 2022

K.Pandi

...Petitioner /
Accused

versus

Jambulingam

...Respondent /
Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) Cr.P.C., praying to suspend the sentence of imprisonment imposed on the petitioner by the learned Judicial Magistrate, Ariyalur-II in S.T.C.No.871 of 2019 dated 01.04.2021, by confirming the judgment passed by the learned Principal District and Sessions Judge, Ariyalur, in Crl.A.No.16 of 2021 dated 03.03.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

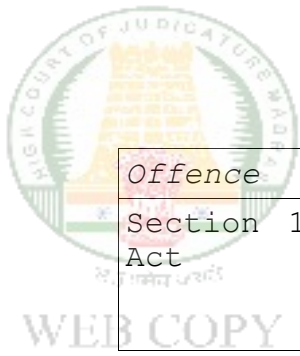
For Petitioner

: Mr.T.Sundhar

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 03.03.2022 passed in Crl.A.No.16 of 2021 on the file of the learned Principal District and Sessions Judge, Ariyalur, by confirming the judgment passed by the learned Judicial Magistrate, Ariyalur-II, in S.T.C.No.871 of 2019 dated 01.04.2021 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.871 of 2019 on the file of the learned Judicial Magistrate, Ariyalur-II. 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 6 months and to pay a fine amount of Rs.9,50,000/-, in default, to undergo Simple Imprisonment for 1 month

Aggrieved against the same, the petitioner has filed appeal in Crl.A.No.16 of 2021 and the learned Principal District and Sessions Judge, Ariyalur, by judgment dated 03.03.2022 had dismissed the appeal for default 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) A copy of the muchalikka filed in the typed set of papers dated 23.04.2022, in page no.36, it was stated that the entire cheque amount has been repaid to the respondent by the relative of the petitioner and hence, it would not necessary to impose any condition to the petitioner to deposit a portion of the cheque amount. 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 Judicial Magistrate, Ariyalur-II;

(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/-

29/04/2022

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
ARIYALUR.

2 THE JUDICIAL MAGISTRATE-II,
ARIYALUR.

3 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT [FOR INFORMATION]

4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

+1C.C. to M/S.T.SUNDHAR Advocate on payment of necessary charges
SR.No.6557

Order
in
CRL MP.6280/2022
in
CRL.RC.593/2022
Date :29/04/2022

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CSK 29/04/2022