



Crl.M.P.Nos.13584 & 13586 of 2022 in Crl.R.C.No.1253 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.Nos.13584 & 13586 of 2022

in

Crl.R.C.No.1253 of 2022

Duraivelu

... Petitioner

Versus

Vadivudaiamman Enterprises,
Represented by its Power Agent
V.J.Vijayakumar

... Respondent

Prayer in Crl.M.P.No.13584 of 2022 : Criminal Miscellaneous Petition is filed under Section 397(1) of the Code of Criminal Procedure, pleaded to suspend the sentence imposed on him in judgment dated 28.02.2022 made in Criminal Appeal No.35 of 2021 passed by learned XXI Additional Sessions Judge, Chennai by confirming the judgment dated 31.07.2019 passed by the learned Fast Track II Metropolitan Magistrate, Allikulam, Chennai in C.C.No.646 of 2016 and enlarge the petitioner on bail pending disposal of this Criminal Revision Petition.



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Prayer in Crl.M.P.No.13586 of 2022 : Criminal Miscellaneous Petition is filed under Section 397(1) of the Code of Criminal Procedure, pleaded to pass an order of an exemption of surrender the petitioner before the lower Court in pursuant to the judgment dated 28.02.2022 made in Cr.A.No.35 of 2021 passed by XXI Additional Sessions Judge, Chennai by confirming the judgment dated 31.07.2019 passed by the learned Fast Track II Metropolitan Magistrate, Allikulam, Chennai in C.C.No.646 of 2016.

For Petitioner : Mr.N.Vignesh

For Respondent : Mr.RM.Meenakshi Sundaram

COMMON ORDER

The Criminal Miscellaneous Petition in Crl.M.P.No.13584 of 2022 is filed to suspend the sentence imposed on him in judgment dated 28.02.2022 made in Criminal Appeal No.35 of 2021 passed by learned XXI Additional Sessions Judge, Chennai by confirming the judgment dated 31.07.2019 passed by the learned Fast Track II Metropolitan Magistrate, Allikulam, Chennai in C.C.No.646 of 2016 and enlarge the petitioner on bail pending disposal of this Criminal Revision Petition.

The Criminal Miscellaneous Petition in Crl.M.P.No.13586 of 2022



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is filed to pass an order of an exemption of surrender the petitioner before the lower Court in pursuant to the judgment dated 28.02.2022 made in Cr.A.No.35 of 2021 passed by XXI Additional Sessions Judge, Chennai by confirming the judgment dated 31.07.2019 passed by the learned Fast Track II Metropolitan Magistrate, Allikulam, Chennai in C.C.No.646 of 2016.

2. Learned counsel appearing on behalf of the petitioner submits that in this case, the petitioner is even ready to pay the cheque amount directly to the respondent without prejudice to his rights and contention in the main Revision and therefore, prays for suspension of sentence without surrendering.

3. Considering the submission made by the learned counsel for the petitioner, the petitioner is exempted from surrendering, the sentence is suspended and the petitioner is enlarged on bail on the following conditions:-

(a) the petitioner is directed to pay the cheque amount being a sum of Rs.1,00,000/- to the respondent/complainant directly by way of a Demand



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Draft, by handing over the Demand Draft to the learned counsel appearing for the respondent before this Court on or before 16.09.2022.

(b) the petitioner 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 Trial Court;

(c) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(d) 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 Criminal 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 of 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.

4. It is made clear that no further extension of time will be granted



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for making the payment. If the cheque amount is not paid, the order of this Court granting suspension of sentence shall stand automatically vacated and the respondent/complainant is directed to move before the trial Court for issuance/execution of the warrant as against the petitioner.

5. These Criminal Miscellaneous Petitions are ordered accordingly.

01.09.2022

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Index : yes/no

Speaking order/Non-speaking order

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To

1. The XXI Additional Sessions Judge, Chennai.
2. The Fast Track II Metropolitan Magistrate,
Allikulam, Chennai
3. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY. J.,

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