



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.Nos.14459 & 14462 of 2021
in
Crl.R.C.No.1133 of 2021

M.Ashok Kumar

... Petitioner

Vs.

B.T.Jayaraman

...Respondent

PRAYER: The Criminal Revision Petition is filed under Section 389(1) & 482 of the Code of Criminal Procedure, to suspend the sentence imposed on the petitioner in Crl.A.No.541 of 2018 on the file of IV Additional District and Sessions Court, Coimbatore, dated 11.03.2021 and confirming the conviction and sentence imposed by judgment in C.C.No.427 of 2014 on the file of Judicial Magistrate Fast Track Court at Magisterial Level-I, Coimbatore, dated 08.11.2018 pending disposal of the main revision and exempting the petitioner from surrendering.

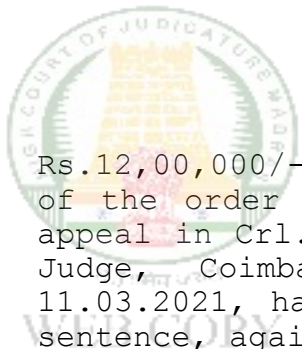
For Petitioner : Mr.E.Kumarasamy

O R D E R

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence imposed on the petitioner in Crl.A.No.541 of 2018 on the file of IV Additional District and Sessions Court, Coimbatore, dated 11.03.2021 and confirming the conviction and sentence imposed by judgment in C.C.No.427 of 2014 on the file of Judicial Magistrate Fast Track Court at Magisterial Level-I, Coimbatore, dated 08.11.2018 pending disposal of the main revision and exempting the petitioner from surrendering.

2. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

3. In the trial court judgment, for non-payment of the cheque amount in question, viz., Rs. 12,00,000/-, the petitioner was convicted and sentenced for the offence under Section 138 of NI Act to undergo Six months Simple Imprisonment and to pay a compensation of



Rs.12,00,000/- by the accused within two months from the date of copy of the order passed in C.C.No.427 of 2014. The petitioner had filed appeal in CrI.A.No.541 of 2018 before the IV Additional and Sessions Judge, Coimbatore and the Appellate Court by judgment dated 11.03.2021, had dismissed the appeal and confirmed the conviction and sentence, against which, the present revision has been filed.

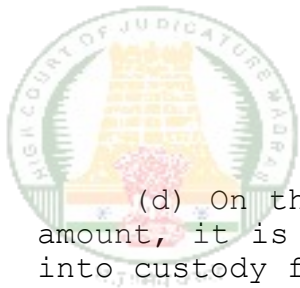
4. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended and and the petitioner may be exempted from surrendering before the Trial Court.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, 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 the balance amount of 50% of the cheque amount (Rs.12,00,000/-), namely, Rs.6,00,000/- (Rupees Six Lakhs Only) before the Trial Court, within 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 Criminal Revision Case. Thereafter, the petitioner/accused is ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court I, Coimbatore

(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.



(d) On the failure of the Petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. These Criminal Miscellaneous Petitions stand ordered accordingly. Post the matter after five weeks for reporting compliance.

-sd/-

07/01/2022

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 IV ADDITIONAL DISTRICT AND SESSIONS COURT,
COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT AT MAGISTERIAL LEVEL -I,
COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION).

C.C. to M/S B.KUMARASAMY Advocate on payment of necessary charges

Order

in
CRL MP.14459 & 14462/2021
in
CRL.R.C.No.1133/2021

Date :07/01/2022

From 7.2.2001 the Registry is issuing certified
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INBA-11/01/2022