



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.Nos.14318 & 14322 of 2021

in

Criminal Revision Case No.1119 of 2021

Mohanraj @ Arumugam

... Petitioner in both M.Ps

..Vs..

State rep by
Station House Officer,
Grand Bazaar Police Station,
Puducherry.
(Cr.no.209/2010).

... Respondent in both M.Ps

PRAYER: Criminal Miscellaneous petitions filed under Section 397(1) & 482 of Cr.P.C to suspend the sentence imposed by the learned chief Judicial Magistrate, Puducherry in S.T.R.No.329/2011 dated 25/02/2015 and confirming the judgment and sentence by the III Additional Sessions Judge, Puducherry in Crl.A.No.11/2015 dated 12/11/2021 pending disposal of the revision on the file of this Hon'ble Court and to exempt the petitioner from surrendering.

For Petitioner : Mr.J.Arokhiaaraj in both M.Ps

For Respondent : Mr.S.Sugendran,
Learned Government Advocate(crl.side)

O R D E R

(The case has been heard through Video Conferencing)

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the learned chief Judicial Magistrate, Puducherry in S.T.R.No.329/2011 dated 25/02/2015 and confirming by the III Additional Sessions Judge, Puducherry in Crl.A.No.11/2015 dated 12/11/2021 pending disposal of the revision and to exempt the petitioner from surrendering.



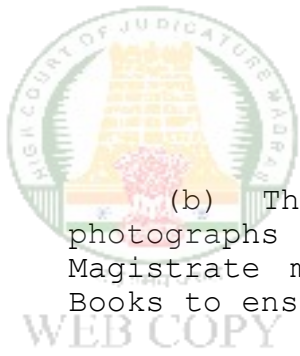
2. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

3. In the trial court judgment, for non-payment of the cheque amount in question, viz., Rs. 5,00,000/-, the petitioner/A2 was convicted and sentenced for the offence under Section 403 IPC r/w 34 IPC to undergo two years Simple Imprisonment and to pay a compensation of Rs.5,00,000/- each by the accused 1 and 2 within 60 days. The petitioner had filed appeal in CrI.A.No.12/2015 before the II Additional and Sessions Judge, Puducherry and the Appellate Court by judgment dated 12.11.2021 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. However, the learned counsel for the petitioner would submit that without prejudice, the petitioner/A1 is prepared to comply with the order of the trial court with regard to deposit amount of Rs.5,00,000/- as compensation to the complainant bank and the petitioner undertakes to deposit Rs.5,00,000/- to the credit of STR No.329 of 2011 on the file of the Chief Judicial Magistrate, Puducherry within two weeks from the date of receipt of copy of the order and hence, the substantive sentence imposed against the Petitioner/A2 may be suspended 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/A1 shall deposit Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of STR No.329 of 2011 on the file of the Chief Judicial Magistrate, Puducherry within two weeks from the date of receipt of copy of the 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 Chief Judicial Magistrate, Puducherry.



(b) The petitioner/A2 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. List the matter for reporting compliance on 27.01.2022.

-sd/-
06/01/2022

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 III ADDITIONAL SESSIONS
JUDGE, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY.

3 THE STATION HOUSE OFFICER,
GRAND BAZAR POLICE STATION,
PUDUCHERRY.



4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

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

+2 C.C. to MR.J.AROKHIARAJ Advocate on payment of necessary
charges SR.NO.267

+2 C.C. to MR.J.AROKHIARAJ Advocate on payment of necessary
charges SR.NO.268

Order

in
CRL MP.Nos.14318 & 14322 of 2021
in
CRL RC.1119/2021

Date :06/01/2022

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

RW 11/01/2022

RW 18/02/2022