



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.19078 of 2019

IN CRL.RC.NO.1499 OF 2019

T.RAMANUJAM

[PETITIONER]

Vs

K.VENKATASUBRAMANIYAM

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1499/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence by order dated 12.11.2019 passed in criminal appeal No.96 of 2019 by the XV Addl.Sessions Court, Chennai and confirmed by order dated 08.11.2018 passed in CC.No.257 of 2014 by the Fast Track Court Magisterial level No.1, Egmore, Chennai. [CRL.MP.NO.19078/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1499/2019 on the file of the High Court and upon hearing the arguments of M/S.M.BALASUBRAMANIAN Advocate for the petitioner the court made the following order:-

The petitioner faced trial in C.C.No.257 of 2014 on the file of learned Fast Track Court, Magisterial Level No.1, Egmore, Chennai. Under judgment dated 8.11.2018, the trial Court acquitted him from the offence under Section 138 of the Negotiable Instruments Act. On appeal in C.A.No.96/2019, the conviction and sentence imposed by the trial Court was confirmed by the learned XV Addl. Sessions Court, Chennai by judgment dated 12,11,2019. As against the aforesaid conviction and sentence, the petitioner has filed the Criminal Revision, along with the present petition seeking suspension of sentence.

2. According to the learned counsel for the Petitioner, there are copious materials on record to prove that there is no legally enforceable debt and the petitioner has rebutted the presumption contemplated under Section 139 of the Negotiable Instruments Act. The learned counsel further submitted that there are arguable points available in the Criminal Revision Case, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.



3. Heard the learned counsel for the petitioner and also perused the materials placed on record.

4. Considering the facts and circumstances of the case and also taking note of 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 subject to certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted, on the following conditions:-

- a) The Petitioner/Accused shall deposit Rs.2,00,000/- (Rupees two Lakhs Only) before the Trial Court, out of which Rs.1,00,000/- (Rupees one lakh only) should be deposited within two weeks from the date of receipt of a copy of this order and the remaining amount of Rs.1,00,000/- should be deposited within two weeks therefrom;
- b) On such deposit being made, the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case.
- c) 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 Fast Track Court, Magistrate Level No.1, Egmore, Chennai.
- d) 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;
- e) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the revision case and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often; and
- f) 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.



5. Post the matter on **20.02.2020** for reporting compliance.

WEB COPY

-sd/-
21/01/2020

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 XV ADDITIONAL SESSIONS
COURT, CHENNAI

2 THE FAST TRACK COURT
MAGISTERIAL LEVEL NO.I, EGMORE, CHENNAI

3 THE CHIEF METROPOLITAN MAGISTRATE
EGMORE[FOR INFORMATION]

+2C.C. to M/S.M.BALASUBRAMANIAN Advocate on payment of
necessary charges SR.NO. 1155,1151

Order

in
CRL MP.19078/2019

IN CRL.RC.NO.1499 OF 2019

Date :21/01/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 22/01/2020