

Crl.M.P.No.12028 of 2016
in
Crl.R.C.No.1354 of 2016

C.T.SELVAM, J

Today, the matter is listed under the caption 'for being mentioned' at the instance of learned counsel for petitioners.

2. Learned counsel for petitioners submits that petitioners have been granted suspension of sentence in respect of offences u/s.120-B and 407 r/w 114 IPC. However, owing to error in drafting, the offences read as one relating to offence u/s.138 of the Negotiable Instruments Act. This Court finds that learned counsel for petitioners is right in his submissions. Accordingly, in modification of the order dated 11.11.2016, registry is directed to issue a fresh order copy to the following effect:

“Petitioners faced trial in C.C.No.9378 of 2010 on the file of learned XI Metropolitan Magistrate, Saidapet, Chennai. Trial Court, under judgment dated 11.08.2014, convicted the first petitioner for offences u/s.120-B and 407 IPC and second petitioner for offences u/s.120-B and 407 r/w 114 IPC and sentenced them to 6 months S.I. and fine of Rs.1,000/- each i/d 3 months S.I. for offence u/s.120-B IPC and 6 months S.I. and fine of Rs.1,000/- i/d.3 months S.I. for offences u/s.407 and 407 r/w 114 IPC. The trial Court directed that sentences run concurrently. The appeal preferred by petitioners in C.A.No.228

of 2014 on the file of learned XIX Additional Sessions Judge, City Civil Court, Chennai, came to be dismissed under judgment dated 02.11.2016. This miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for petitioners would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that petitioners are now confined at Central Prison II, Puzhal, Chennai.

3. Heard learned Government Advocate [Crl.side] on the submissions made by learned counsel for petitioners.

4. Taking into consideration the submissions of learned counsel for petitioners and that the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioners herein may be granted the relief of suspension of sentence.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned XI Metropolitan Magistrate, Saidapet, Chennai and on

further condition that petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.”

17.11.2016

(2/2)

Note to office: Issue today
gm

C.T.SELVAM, J

Crl.M.P.No.12028 of 2016
in
Crl.R.C.No.1354 of 2016

17.11.2016

<http://www.judis.nic.in>