

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.13104 of 2017

IN CRL RC.1347/2017

MOHAMED IRFAN,

[PETITIONER]

Vs

MOHAMED SABEER,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC No.1347 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in C.A.No.123 of 2016 dated 15.09.2017 confirming the conviction and sentence passed by the learned Judicial Magistrate cum Fast Track court, Tiruppur in C.C.No.23 of 2016 dated 21.10.2016 and to enlarge the petitioner on bail pending disposal of the above CRL.RC.1347/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1347 of 2017 on the file of the High Court and upon hearing the arguments of MR.S.RAJKUMAR, Advocate for the petitioner the court made the following order:-

The petitioner/appellant/accused was convicted by the trial Court in C.C.No.23 of 2016 on the file of the Fast Track Court, Tiruppur and sentenced for the offence, which is tabulated as hereunder:

<i>Convicted under the offence</i>	<i>Sentenced</i>
U/s. 138 of Negotiable Instrument Act	To undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for one month

2. Against the conviction and sentence passed by the trial Court, the accused as appellant, has filed Criminal Appeal No.123 of 2016 on the file of learned II, Additional District Judge, Tiruppur, wherein, the conviction and sentence passed by the trial Court was confirmed by judgment dated 15.09.2017. Challenging the same, the Revision petitioner/accused has filed the present Criminal Revision case and pending Revision, the petitioner/accused has filed this petition

seeking to suspend the sentence of imprisonment and release him on bail.

3. Heard the learned counsel for the petitioner.

4. Learned counsel for petitioner would submit that there are several infirmities and illegalities found in the prosecution case. It is further contended that there are contradictions in the material particulars in the evidence of the prosecution witnesses. Further, the learned counsel for the petitioner submits that there are arguable points involved in the revision and therefore, pending disposal of the Criminal Revision petition, he prayed for suspending the sentence imposed on the petitioner.

5. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the revision, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail subject to the condition that he shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of CC No.23 of 2016, on the file of Fast Track Court, Tiruppur within a period of three weeks from the date of receipt of the copy of the order. The petitioner is further directed to 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 the learned Magistrate, Fast Track Court, Tiruppur and on further condition that the petitioner shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., pending disposal of the revision.

-sd/-
01/11/2017

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 FAST TRACK COURT,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE II, ADDL. DISTRICT JUDGE,
TIRUPPUR.

+1 C.C. to M/S.S.RAJKUMAR Advocate on payment of necessary
charges-Sr.20214

Order

in
CRL MP.13104/2017

in
CRL RC.1347/2017

Date :01/11/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 07.11.2017