

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.13150 of 2017

IN CRL RC.1352/2017

1 T.JITENDRA, [PETITIONER]
2 T.MAHAVEER MARLECHA,

Vs

1 V.GANGADARAN, [RESPONDENT]
S/O.V.K.VELU MUDALIAR,
NO.66, AA BLOCK 2ND STREET,
3RD MAIN ROAD, ANNA NAGAR,
CHENNAI-40.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1352/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the petitioner by a judgment dated 04.10.2017 passed in C.A. 84 of 2017 by the Principal Additional Sessions Judge, Chennai confirming the judgment dated 10.03.2017 in C.C. No.7357 of 2014 passed by the Learned Metropolitan Magistrate, FTC-II, Egmore, Chennai, release the petitioners on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1352/2017 on the file of the High Court and upon hearing the arguments of M/S.P.PRINCE PREMKUMAR, Advocate for the petitioner, the court made the following order:-

The petitioners/appellants/ A1 and A2 were convicted by the trial Court / Fast Track Court - II, Egmore in C.C. No.7357 of 2014 and sentenced for the offence, which is tabulated as hereunder :

<i>Convicted under the Offence</i>	<i>Sentence</i>
U/s.138 of Negotiable Instrument Act	A1 and A2 are sentenced to undergo simple imprisonment for one year and to pay a compensation for a sum of Rs.4,00,000/- and Rs.6,00,000/- respectively to the complainant, in default to undergo simple imprisonment for three months each.

2. Against the conviction and sentence passed by the trial Court, the A1 and A2 as appellants, have filed Criminal Appeal No.84 of 2017 on the file of learned Principal Sessions Judge, Chennai, wherein, the conviction and sentence passed by the trial Court was confirmed by judgment dated 4.10.2017. Challenging the same, the Revision petitioners / accused have filed the present Criminal Revision Case and pending Revision, the petitioners / accused have filed this petition seeking to suspend the sentence of imprisonment and release them on bail.

3. Heard the learned counsel for the petitioner.

4. Learned counsel for petitioners would submit that there are several infirmities and illegalities found in the case. It is further contended that there are contradictions in the material particulars in the evidence of the complainants witnesses. Further the learned counsel for the petitioners submit that law does not permit to conduct single trial with different persons with different cause of action and with different materials. Further, he submits that there are arguable points involved in this revision and therefore, pending disposal of the Criminal Revision Petition, they prayed for suspending the sentence imposed on them.

5. Considering the facts and circumstances of the case, this Court is of the considered view that the petitioner herein are entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the 1st petitioner / A1 is directed to be enlarged on bail subject to the condition that he shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) and the 2nd petitioner / A2 is directed to be enlarged on bail subject to the condition that he shall deposit a sum of Rs.75,000/- (Rupees seventy five thousand only) respectively to the credit of CC No.7357 of 2014, on the file of Fast Track Court - II, Chennai within a period of three weeks from the date of receipt

of the copy of the order. The petitioners are 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 - II, Chennai and on further condition that petitioners 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
II, CHENNAI

2 THE PRINCIPAL SESSIONS
JUDGE, CHENNAI

3 THE VIII METROPOLITAN
MAGISTRATE, FTC II, EGMORE, CHENNAI

4 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

+1 C.C. to M/S.P.PRINCE PREMKUMAR Advocate on payment of
necessary charges 20213

Order
in
CRL MP.13150/2017
in
CRL RC.1352/2017

Date :01/11/2017

From 7.2.2001 the Registry is issuing certified
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MD: 07/11/2017