

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Thirty First day of October Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.13355 of 2017

IN CRL RC.1370/2017

S. VETRIVEL

[PETITIONER]

Vs

SRI KRISHNA TILES AND
POTTERIES (MADRAS) PVT LTD,
REPRESENTED BY ITS SENIOR
ADMINISTRATIVE OFFICER,
MR. V.SUBRAMANIYAM

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.1370/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgement dated 26/12/2013 rendered in C.C.NO.950 of 2003 by the Hon'ble XI Metropolitan Magistrate, Saidapet, Chennai which was confirmed by the judgment dated 30/08/2017 in C.A.NO.20 of 2014 by the Hon'ble VI Additional District Sessions Judge, Chennai and enlarge the petitioner on bail pending the above CRL RC.1370/2017 [IN CRL.MP.NO.13355 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.1370/2017 on the file of the High Court and upon hearing the arguments of M/S.C.S.S.PILLAI, Advocate for the petitioner, the court made the following order:-

The petitioner/appellant/Accused No.1 was convicted by the trial Court for the offences under Sections 465, 468, 420 read with 511 IPC and 120(B) and was sentenced to undergo 2 years simple imprisonment for offence under Section 465 IPC, 3 years simple imprisonment u/s.468 IPC and to pay a fine of Rs.1000/- each, in default, to undergo 2 months simple imprisonment. Further, the petitioner was sentenced to undergo 3 years S.I., u/s.420 r/w.511 IPC and to pay a fine of Rs.1000/- each, in default to undergo 2 months S.I., and one year S.I., u/s.120(B) IPC and to pay a fine of Rs.500/- each in default to undergo one month simple imprisonment. In the appellate Court, the conviction and sentence were confirmed. Challenging the same, the petitioner/A-1, has filed the present Criminal Revision Case and pending revision, he has filed this Crl.M.P.No.13355 of 2017 to suspend the sentence of imprisonment.

2. Notice to the respondent returnable in four weeks in addition to private service.

3. The learned counsel for petitioner would submit that the charges have not been framed as contemplated under Criminal Procedure Code and the charges were vague and not self explanatory. It is further contended that there is no specific charge against the petitioner/appellant under Sections 468, 471 and 420 IPC. Further, the learned counsel for the petitioner submits that there are arguable points involved in this revision and therefore, pending disposal of the Criminal Revision Petition, he prayed for suspending the sentence imposed on the petitioner.

4. Heard the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and in view of the fact that the petitioner has paid the fine amount of Rs.2,500/- and preferred the above Criminal Revision and that 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 on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned XI Metropolitan Magistrate, Saidapet, Chennai, and on further condition that the petitioner shall appear before the said learned Magistrate on the first working day of every English Calendar month at 10.30 a.m., pending disposal of the revision.

7. List the Criminal Revision Case after four weeks.

-sd/-
31/10/2017

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 METROPOLITAN MAGISTRATE,
NO.XI, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI
[FOR INFORMATION]

3 THE VI ADDITIONAL DISTRICT
SESSIONS JUDGE, CHENNAI.

+1C.C. to M/S.C.S.S.PILLAI Advocate on payment of necessary
charges SR NO.20096

Order

in
CRL MP.13355/2017

in
CRL RC.1370/2017

Date :31/10/2017

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MK:03/11/2017