

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.16333 & 16334 of 2017

IN CRL RC.1599/2017

KARTHIKEYAN,

[PETITIONER]

Vs

SUBRAMANIAN,

[RESPONDENT]

S/O.ARANGARAJULU,

26A-1, RAMANUJAM NAGAR,

THIRUPPATHIRIPULIYUR, CUDDALORE-2.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1599/2017 on the file of the High Court, the High Court will be pleased to

(i)suspend the sentence imposed by the 1st Additional Sessions Judge, Cuddalore dated on 29.06.2017 in C.A.No.40 of 2016 by imposing sentence to compensation of Rs.4,00,000/- the petitioner is directed to deposit with in a period of two months i/d the petitioner has to undergo simple imprisonment for six months. (Crl.MP.No.16333/2017)

(ii) Suspend the sentence imposed by the learned 1st Additional District and Sessions Judge, Cuddalore dated on 29.06.2017 in C.A.No.40/2016 by partly allowing the appeal and convicting the Revision Petitioner for the offence under section 138 of Negotiable Act and modifying the sentence imposed by the Judicial Magistrate III Cuddalore.(Crl.MP.No.16334/2017).

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1599/2017 on the file of the High Court and upon hearing the arguments of M/S.B.B.SENDHIL KUMAR, Advocate for the petitioner, the court made the following order:-

The conviction of the petitioner, as ordered by the trial court / Judicial Magistrate No.III, Cuddalore, in S.T.C.No.146 of 2012 has been modified by the appellate court / I Additional District and Sessions Court, Cuddalore, under the offence that is tabulated as hereunder:-

<i>Convicted under the Offence</i>	<i>Sentenced</i>
U/s.138 of the N.I.Act	to deposit the amount of compensation of Rs.4,00,000/- within a period of two months, in default, to undergo six months simple imprisonment.

2. Challenging the same, the Revision Petitioner/accused has filed the present Criminal Revision Case and pending Revision, the petitioner/accused has filed CMP No.16333 of 2017 seeking to suspend the sentence of imprisonment and CMP No.16334 of 2017 seeking to exempt from depositing the compensation amount.

3. The learned counsel appearing for the petitioner / accused submitted that the plea of discharge has been taken to the extent of Rs.1,50,000/- only. It is also contended that the conviction of the petitioner is based on perverse evidence. The learned counsel further submitted that the petitioner is willing to abide any of the conditions that may be imposed by this Court. There is also an undertaking on behalf of the petitioner that a sum of Rs.75,000/- would be deposited within a period of four weeks from the date of receipt of a copy of this order.

4. Taking into consideration the submissions made by the learned counsel for petitioner and that the Revision Case is not likely to be taken-up for final hearing in the near future and considering the grounds of revision, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence, subject to the petitioner depositing a sum of Rs.75,000/- to the credit of the trial court.

5. Accordingly, the substantive sentence of imprisonment alone on the petitioner is suspended and the petitioner is directed to be enlarged on bail, upon the following conditions:-

- (i) The petitioner herein shall deposit a sum of Rs.75,000/- (Rupees seventy five thousand only) within a period of four weeks from the date of receipt of a copy of this order;
- (ii) 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 Judicial Magistrate No.III, Cuddalore;

(iii) 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.

-sd/-
22/12/2017

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 JUDICIAL MAGISTRATE,
III, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE I ADDITIONAL DISTRICT
AND SESSIONS COURT, CUDDALORE

+1 C.C. to M/S.B.B.SENDHIL KUMAR Advocate on payment of
necessary charges Sr.No.23322

Order
in
CRL MP.16333 & 16334/2017
in
CRL RC.1599/2017

Date :22/12/2017

From 7.2.2001 the Registry is issuing certified
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MD: 28/12/2017