

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.10233 of 2018

IN CRL RC.900/2018

B.LATHA,

[PETITIONER/APPELLANT]

Vs

TR.T.RAJARAM,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC.No.900 OF 2018 on the file of the High Court, the High Court will be pleased to Suspend the sentence passed by the Judicial Magistrate Court No.I, Udumalpet in C.C.No.135 of 2013 on 07.11.2016 and confirmed by the III Additional District and Sessions Judge, Tiruppur at Dharapuram dated on 12.07.2018 in C.A.No.124/2016 until disposal of this revision petition No.900 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.900 of 2018 on the file of the High Court and upon hearing the arguments of MR.M.BALAJI, Advocate for the petitioner the court made the following order:-

The petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for the period of one year u/s.255(2) of Cr.P.C, and a fine of Rs.3000/- by the learned Judicial Magistrate No.I, Udumalpet, under judgment in C.C.No.135 of 2013 dated 12.07.2018 and the same is confirmed by the learned III Additional District and Sessions Judge, Tiruppur at Dharapuram, in Criminal Appeal No.124 of 2016 on 12.07.2018. Hence, the petitioner seeks suspension of sentence.

2. Learned counsel submits that there are several infirmities and inconsistencies found in the prosecution case and there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4.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, as contended by learned counsel for petitioner and further the revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner shall deposit a sum of Rs.1,90,000/- (Rupees One Lakh and ninety Thousand only) to the credit of C.C.No.135 of 2013, on the file of Judicial Magistrate No.I, Udumalpet, within two weeks from the date of receipt of copy of this order 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 Judicial Magistrate No.I, Udumalpet, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

-sd/-

16/08/2018

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,
NO.1, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE III, ADDL. DISTRICT AND
SESSIONS JUDGE, TIRUPPUR AT DHARAPURAM.

+1 C.C. to M/S.M.BALAJI Advocate on payment of necessary charges
-Sr.15439

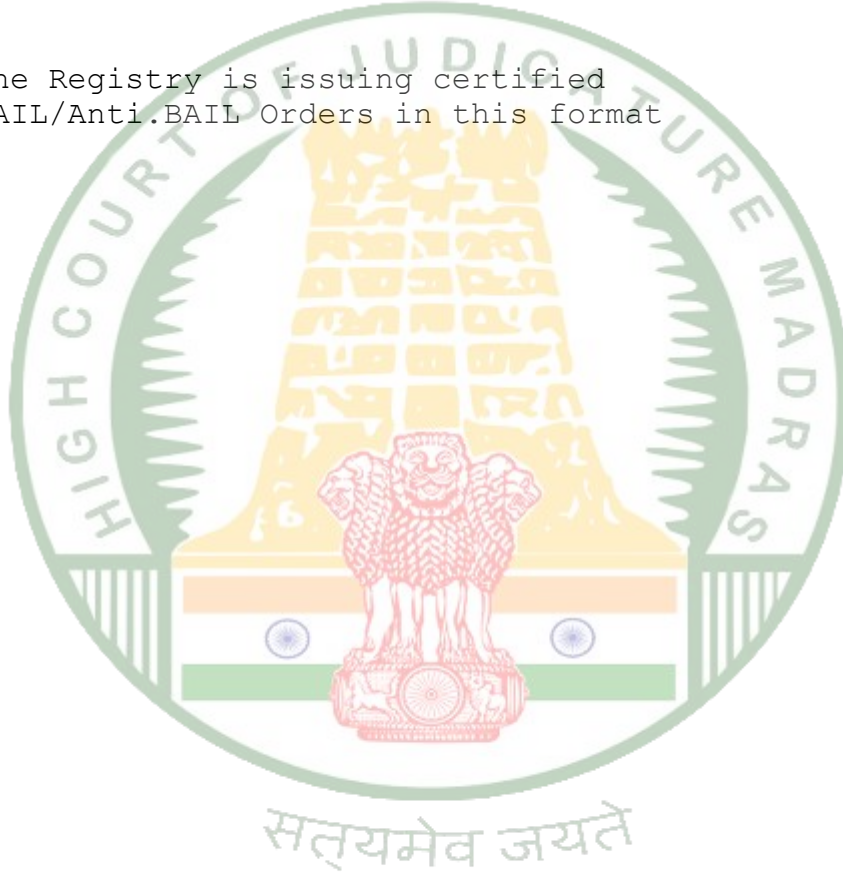
Order

in
CRL MP.10233/2018

in
CRL RC.900/2018

Date :16/08/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 24.08.2018



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