

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.10260 of 2018

IN CRL RC.901/2018

P.RAJESHKUMAR

[PETITIONER]

Vs

STATE OF TAMILNADU,
REP. BY DEPUTY DIRECTOR
INDUSTRIAL SAFETY & HEALTH,
ARIYALUR.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.901/2018 on the file of the High Court, the High Court will be pleased to Suspend the sentence, made in the judgment dated 20.07.2018 made in C.A.No. 4 of 2017 on the file of the Principal District and Sessions Judge of Ariyalur as confirming the Judgment dated 8.2.2017 made in C.C.No. 5 of 2016 on the file of the Chief Judicial Magistrate Court, Ariyalur and enlarge the petitioner/accused on bail, pending disposal of the above Crl.Revision.[CRL.MP.NO.10260/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.901/2018 on the file of the High Court and upon hearing the arguments of M/S.A.PADMANABAN, Advocate for the petitioner and of MR.S.THANKIRA Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offence u/s.7-A(1)(2) and 41 of Factories Act, 1948 (amended 1987) r/w Rule 61F of Tamil Nadu Factories Rules 1950 and sentenced to undergo two years simple imprisonment and was directed to pay a sum of Rs.1,00,000/- and was further convicted under Section 88A of Factories Act 1948 of Tamil Nadu Factory Rules 1950 and directed pay a sum of Rs.25,000/- and was convicted under Section 87 of Factories Act 1948 r/w Rule 95 Sch.XXIV At.12A of Tamil Nadu Factories Rules 1950 and directed to pay a sum of Rs.25,000/- and in default to undergo six months simple imprisonment for each count by the learned Chief Judicial Magistrate, Ariyalur, under judgment dated 08.02.2017 and confirmed by the learned Principal District Judge, Ariyalur under judgment dated 20.07.2018. Hence, petitioner seeks suspension of sentence.

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 the learned Additional Public Prosecutor on the submissions made by the learned counsel for the 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 the 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.3,00,000/- (Rupees Three Lakhs only) to the credit of C.C.No.5 of 2016, on the file of the Chief Judicial Magistrate Court, Ariyalur and the petitioner is directed to be enlarged on bail on further 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 Chief Judicial Magistrate, Ariyalur 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

सतयमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE CHIEF JUDICIAL MAGISTRATE
COURT,ARIYALUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE OF ARIYALUR

<https://hcservices.ecourts.gov.in/hcservices/>

4 STATE OF TAMILNADU,
REP. BY DEPUTY DIRECTOR
INDUSTRIAL SAFETY & HEALTH,
ARIYALUR.

+1 C.C. to M/S.A.PADMANABAN Advocate on payment of necessary
charges SR.NO. 15463

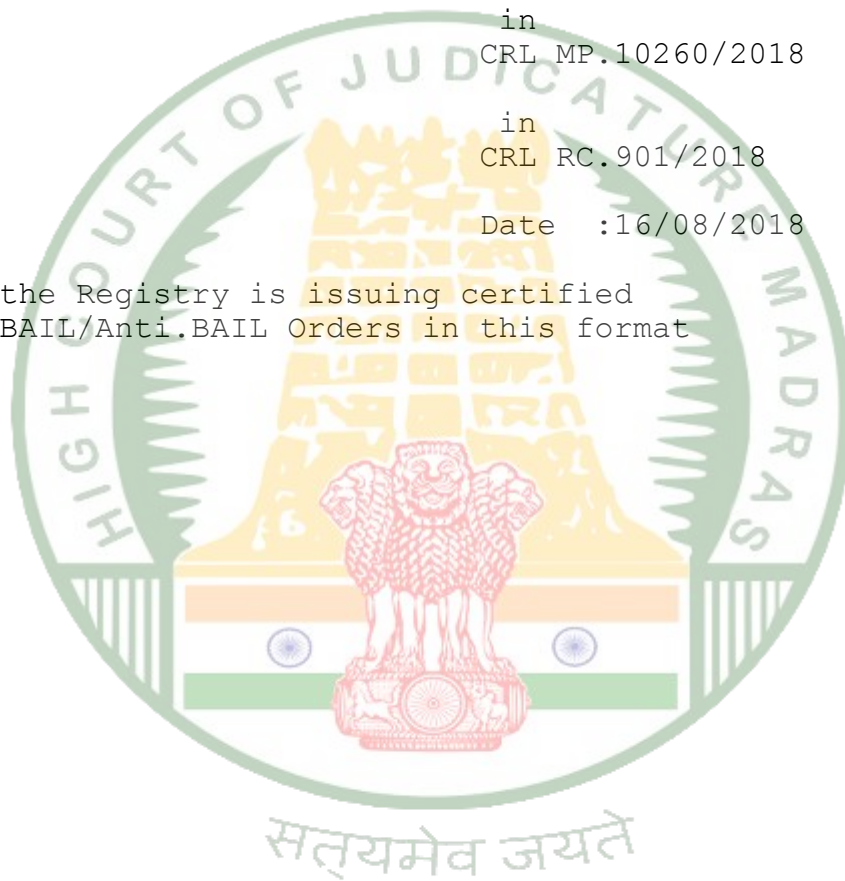
Order

in
CRL MP.10260/2018

in
CRL RC.901/2018

Date :16/08/2018

From 7.2.2001 the Registry is issuing certified
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RD 24/08/2018



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