

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.10713 of 2018

IN CRL RC.925/2018

D.SURESH BABU, [PETITIONER]

Vs

M.DHANDAPANI, [RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.925/2018 on the file of the High Court, the High Court will be pleased to suspend the order of conviction passed in STC.No.06 of 2017 dated 06.10.2017 as confirmed by judgment in Crl.A.No.105 of 2017 dated 05.07.2018 on the file of the Additional District Judge, (Fast Track Court), Vellore, Vellore District pending disposal of this Criminal Revision Petition No.925 of 2018.[CRL.MP.NO.10713/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.925/2018 on the file of the High Court and upon hearing the arguments of M/S.M.PRAVEEN KUMAR Advocate for the petitioner and of MR.S.THANKIRA Government Advocate[crl.side] on behalf of the Respondent 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 further the accused is directed pay a cheque amount with 6% interest from the date of filing the case to the complainant under Section 357 (3) of Cr.P.C in default to undergo simple imprisonment for further period of three months by the learned Judge, Fast Track Court, Vellore, under judgment in S.T.C.No.06 of 2017 dated 06.10.2017 and the same is confirmed by the Additional District Judge, (Fast Track Court), Vellore in Criminal Appeal No.105 of 2017 on 05.07.2018. 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.1,28,000/- (Rupees One Lakh and Twenty Eight Thousand only) to the credit of S.T.C.No.06 of 2017, on the file of Judicial Magistrate, (FTC), Vellore, within four 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, (FTC), Vellore 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 appeal.

-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,
[FTC] VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT
JUDGE, FAST TRACK COURT , VELLORE

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+1 C.C. to M/S.M.PRAVEEN KUMAR Advocate on payment of necessary charges SR.NO. 15523

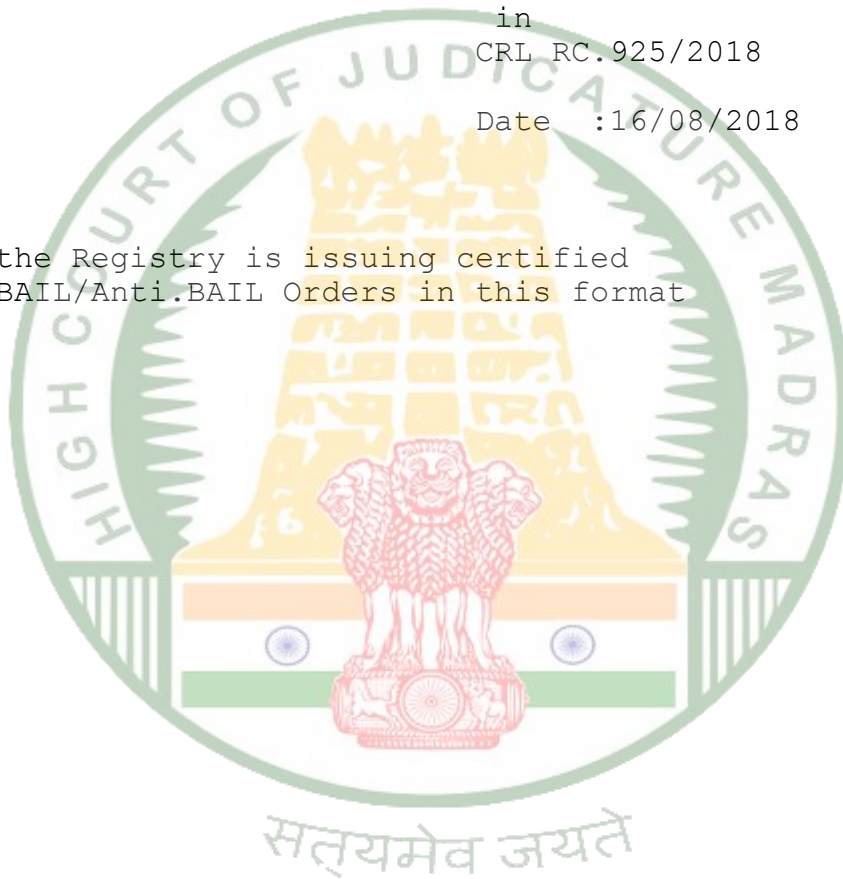
Order

in
CRL MP.10713/2018

in
CRL RC.925/2018

Date :16/08/2018

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RD 24/08/2018



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