

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION Nos.11027 & 11029 of 2018

IN CRL RC.952/2018

N.MALATHI,

[PETITIONER]

Vs

MR.G.CHINNARAJ,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.952 OF 2018 on the file of the High Court, the High Court will be pleased to

(1) suspend the sentence imposed in C.C.No.48 of 2015 on the file of Judicial Magistrate (FTC No.I) Coimbatore by a Judgment dated 09.03.2017 and the same was confirmed in C.A.No.80 of 2017 on the file of I Additional District and Sessions Judge, Coimbatore dated 20.07.2018 and reduced the sentence by 3 months instead of 6 months and partly allowed the appeal and to pay the compensation of Rs.1,40,000/- within 2 months from the date of this judgement, failing which the accused shall undergo default sentence of simple imprisonment for the period of 2 months and pass such further or other orders as this Hon'ble Court. (CRL.MP.11027/2018 IN CRL.RC.952/2018)

(2) exempt the petitioner to surrender before the Appellate Court on the judgement dated 20.07.2018 made in C.A.No.80 of 2017 on the file of I Additional District and Sessions Judge, Coimbatore confirming the judgment dated reversing the Judgement in C.C.No.48 of 2015 on the file of Judcial Magistrate (FTC No.I), Coimbatore 09.03.2017. (CRL.MP.11029/2018)

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.952 of 2018 on the file of the High Court and upon hearing the arguments of M/S.M.N.BALAKRISHNAN, Advocate for the petitioner (in BOTH THE PETITIONS) the court made the following order:-

Petitioner was convicted for offence u/s.138 and 142 of Negotiable Instruments Act, and the accused is convicted and sentenced to undergo simple imprisonment for the period of 6 moths and pay the compensation of Rs.1,40,000/- within 2 months by the the learned Judicial Magistrate(FTC No.I), Coimbatore, in C.C.No.48 of

2015 on 09.03.2017. There against, petitioner preferred C.A.No.80 of 2017 on the file of the learned I Additional District and Sessions Judge of Coimbatore, and the appellate Court partly allowed the appeal and reduced the sentence by 3 months instead of 6 months and confirmed the compensation of Rs.1,40,000/- within 2 months. Hence, this revision.

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 appeal, as contended by learned counsel for petitioner and further the appeal 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 on condition if the petitioner deposits the entire amount within a period of six weeks to the credit of C.C.No.48 of 2015, on the file of the learned Judicial Magistrate (FTC No.I), Coimbatore.

5. 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 Judicial Magistrate (FTC No.I), Coimbatore 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. The surrender of the petitioner before the trial Court is exempted till the disposal of the revision.

-sd/-
23/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

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

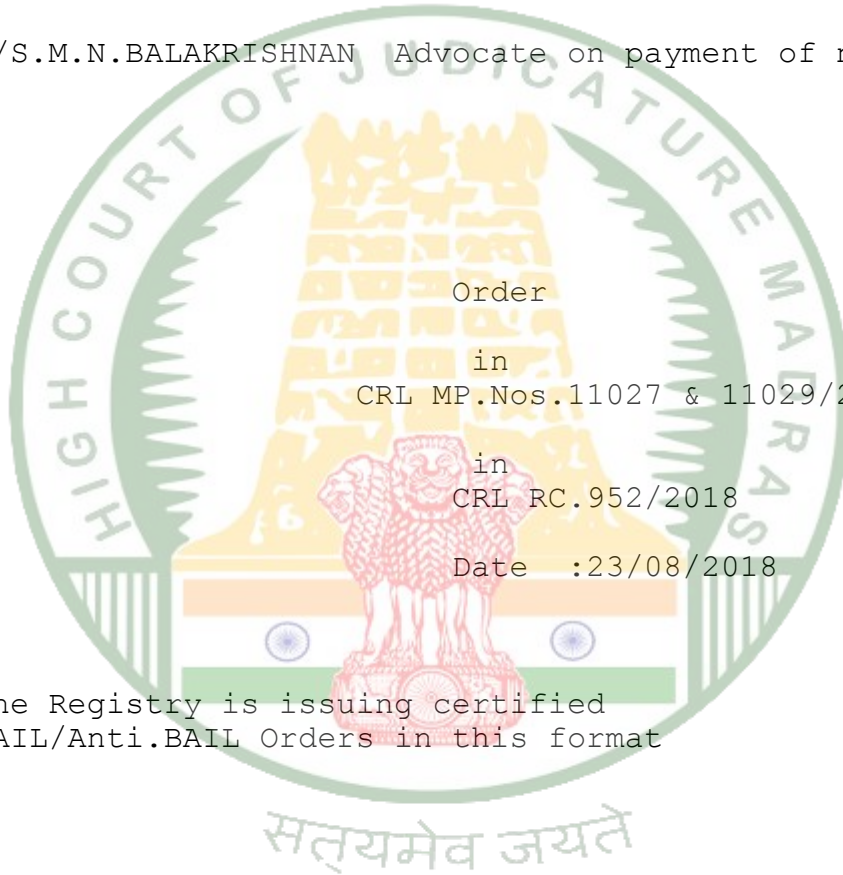
*** CORRECTED ORDER SUBSTITUTED FOR THE ORDER ALREADY DESPATCHED ON
04/09/2018**

TO

1 THE JUDICIAL MAGISTRATE,
(FTC NO.I), COIMBATORE.

2 THE I, ADDL. DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

+1 C.C. to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges-Sr.15977



From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 28.08.2018
THS : 05.09.2018

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