

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Third day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.11344 of 2018

IN CRL RC.976/2018

G.SATHISHRAJA

[PETITIONER]

Vs

V.KESAVARAJAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.976/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the order dated 17.07.2018 made in C.A.No.222 2017 IV Additional District and Sessions Judge Erode District at Bhavani by reversing the order of acquittal dated 27.03.2017 made in S.T.C.No.19 of 2015 on the file of the II Additional District Munsif Bhavani and enlarge the petitioner on bail pending disposal of the above CRL RC.976/2018 [IN CRL.MP.NO.11344 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.976/2018 on the file of the High Court and upon hearing the arguments of M/S.S.LAKSHMANASAMY, Advocate for the petitioner and of M/S.G.RAVIKUMAR, Advocate on behalf of the Respondent the court made the following order:-

Petitioner filed this petition to suspend the sentence of imprisonment imposed on the petitioner in the Judgment dated 17.07.2018 made in C.A.No.222 of 2017 on the file of the learned IV Additional District and Sessions Judge, Erode District at Bhavani, by reversing the order of acquittal dated 27.03.2017 made in S.T.C.No.19 of 2015 on the file of the II Additional District Munsif, Bhavani, convicted the petitioner and sentencing him to undergo 6 months simple imprisonment for the offence under Section 138 of the Negotiable Instrument Act, 1881 and file of Rs.5 lakhs, in default to pay fine, to undergo further simple imprisonment for one month and further, the lower Appellate Court directed that out of fine amount, a sum of Rs.5 lakhs is awarded as compensation to the complainant, praying to enlarge the petitioner on bail pending disposal of the above Criminal Revision petitioner before this Court. This miscellaneous petition has been filed seeking suspension

2 Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that the petitioner is now confined at Central Prison, Coimbatore.

3. Heard learned Government Advocate [Crl.side] on the submissions made by learned counsel for petitioner.

4. Taking into consideration the submissions of learned counsel for petitioner that the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of learned II Additional District Munsif, Bhavani, and on further condition that petitioner shall deposit 50% of the fine amount (50% of Rs.5 lakhs) to the credit of S.T.C.No.19 of 2015 on the file of the II Additional District Munsif, Bhavani and 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/-

03/09/2018

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 II ADDITIONAL DISTRICT
MUNSIF, BHAVANI.

2 THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, ERODE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1C.C. to M/S.S.LAKSHMANASAMY Advocate on payment of necessary
charges SR NO.16709

+2C.C. to M/S.G.RAVIKUMAR Advocate on payment of necessary
charges SR NO.16660

Order

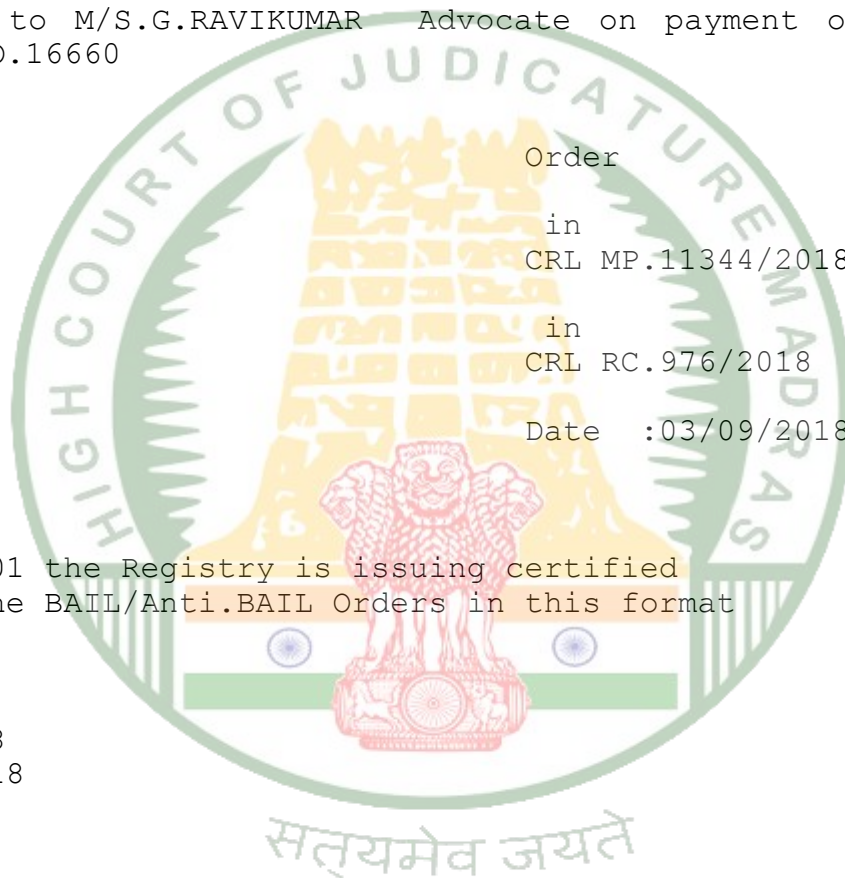
in
CRL MP.11344/2018

in
CRL RC.976/2018

Date :03/09/2018

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MK:04/09/2018
MLT-05/09/2018



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