

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.1600 of 2018

IN CRL RC.181/2018

S.SIVABAGYAM,

[PETITIONER]

Vs

N.PRADEEP KUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.181/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by Judgment dated 27.09.2016 made in C.A.No.253 of 2015 on the file of the V Addl.District and Sessions Judge, Coimbatore confirming the Judgment dated 08.12.2015 made in C.C.No.01 of 2014 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, pending disposal of the above delay petition in M.P.No. of 2018 in Crl.R.C.SR.No.5997 of 2017 and thus render justice. [CRL.MP.NO.1600/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.181/2018 on the file of the High Court and upon hearing the arguments of M/S.B.KUMARASAMY, Advocate for the petitioner the court made the following order:-

Petitioner was convicted for offences under Section 138 of Negotiable Instruments Act and sentenced to ten months S.I and to pay a fine of Rs.3,000/-, in default to undergo one month S.I by the learned Judicial Magistrate, Fast Track Court (Magisterial Level-II) Coimbatore, in C.C.No.1 of 2014 dated 08.12.2015. The appeal preferred by petitioner in C.A.No.253 of 2015 on the file of learned V Additional District and Sessions Judge, Coimbatore, came to be dismissed under judgment dated 27.09.2016. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner submits that there are several infirmities and inconsistencies found in the prosecution case. He would further submit that the petitioner had already been arrested on 13.12.2017 and he is now confined in Central Prison, Coimbatore. The petitioner has already paid fine amount and receipt has also been produced .

3. Taking into consideration the submissions of learned counsel for petitioner and that the revision is not likely to be taken up for

final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

4. 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 each for a like sum to the satisfaction of learned Judicial Magistrate, Fast Track Court (Magisterial Level-II) Coimbatore and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

-sd/-

06/02/2018

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,
FAST TRACK COURT [MAGISTERIAL LEVEL-II] COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 C.C. to M/S.B.KUMARASAMY Advocate on payment of necessary
charges SR.NO. 2513

Order

in
CRL MP.1600/2018

in
CRL RC.181/2018

Date :06/02/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 06/02/2018