

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.5335 of 2018

IN CRL RC.443/2018

M/S.GLOBUS IT SOLUTIONS [PETITIONER]
REP. BY ITS PROPRIETOR S.RAVI

Vs

M/S.RIGHT SOLUTIONS [RESPONDENT]
REP. BY ITS MANAGING PARTNER
MR.SUSHIL KUMAR,

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.443/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in judgment dated 12.09.2017 passed in CC No.463 of 2012 on the file of Metropolitan Magistrate, FTC-II, Egmore, Chennai and confirmed in judgment dated 21.02.2018 passed in CA No.306 of 2017 by Honourable XIX Additional Sessions Judge at Chennai and enlarge the petitioner on bail pending disposal of this Criminal Revision Petition NO.443/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.443/2018 on the file of the High Court and upon hearing the arguments of M/S.C.H.VINOBA GANDHI, Advocate for the petitioner and ofmade the following order:-

This petition has been filed seeking an order to suspend the sentence imposed by the first appellate Court confirming the judgment of the trial Court for the offence under Section 138 of Negotiable Instruments Act, 1881.

2.The trial Court, found the accused guilty for the offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced to undergo SI for one year and also directed the accused to pay compensation of Rs.10,17,886/- to the complainant, by Judgment dated 12.09.2017, in C.C.No.463 of 2012. Against the judgment of the Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, appeal was preferred before the IX Additional Sessions Court and the first appellate Court in C.A.No.306 of 2017, by Judgment dated 21.02.2018, confirmed the conviction and sentence passed by the trial Court.

3.The learned counsel for the petitioner/appellant argued that four cheques were issued only as security for release of goods in earlier transaction and the amount mentioned in the cheques does not tally with the total amount of invoices and the appellant/accused

had been on bail through out the trial and till date and therefore, sentence may be suspended.

4.This Court perused the judgment and typed set filed along with the appeal papers.

5.Considering the entire facts and circumstances of the case and the fact that the petitioner/appellant had been on bail during trial, this Court is of the view that the sentence imposed by the first appellate Court is to be suspended. Accordingly, the substantive sentence of imprisonment alone is suspended on executing 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 Metropolitan Magistrate, Fast Track Court-II, Egmore 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 till the disposal of the revision.

-sd/-

03/04/2018

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 METROPOLITAN MAGISTRATE,
FTC-II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE XIX ADDITIONAL SESSIONS
JUDGE, CHENNAI.

+1C.C. to M/S.C.H.VINOBHA GANDHI Advocate on payment of
necessary charges in SR.NO. 6418

Order

in
CRL MP.5335/2018

in
CRL RC.443/2018

Date :03/04/2018

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MLT-05/04/2018