

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.7368 of 2018

IN CRL RC.628/2018

M.BOOPALAN

[PETITIONER]

Vs

THE GENERAL MANAGER [RESPONDENT]

TAMILNADU INDUSTRIAL EXPLOSIVES LTD.,

REP. BY ASSISTANT MANAGER

P.THAMIZHAZHAGAN,

PURCHASE AND ELECTRICAL TEL,

KADPADI, VELLORE

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.628/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned Judicial Magistrate (Fast Track Court), Vellore, Vellore District in CC No.81/2016 dated 06.06.2017 and confirmed by the learned Principal District and Sessions Judge, Vellore, Vellore District in CA No.73 of 2017 dated 11.04.2018 pending disposal of the Crl.R.C.628/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.628/2018 on the file of the High Court and upon hearing the arguments of M/S.E.KANNADASAN, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year Simple Imprisonment and fine of Rs.2,26,894/- and in default to undergo three months simple imprisonment by the learned Judicial Magistrate, (Fast Track Court), Vellore, Vellore District under judgment dated 06.06.2017 in C.C. No.81 of 2016. There against, the petitioner preferred Crl.A. No.73 of 2017 on the file of the learned Principal District and Sessions Judge, Vellore, Vellore District, which came to be dismissed under judgment dated 11.04.2016.

2.This miscellaneous petition has been filed seeking suspension of sentence.

3.Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case.

4.Heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for the petitioner.

5.Taking into consideration the submissions of learned counsel for the 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.

6.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 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), Vellore, Vellore District 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 revision and also on further condition that the petitioner shall deposit a sum of Rs.95,000/- before the learned Judicial Magistrate, (Fast Track Court), Vellore, Vellore District.

7.It is made clear that if the petitioner fails to deposit the said amount, the suspension granted shall stand automatically vacated.

-sd/-
31/05/2018

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) VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VELLORE DISTRICT.

4 THE GENERAL MANAGER
TAMILNADU INDUSTRIAL EXPLOSIVES LTD.,
REP. BY ASSISTANT MANAGER P.THAMIZHAZHAGAN,
PURCHASE AND ELECTRICAL TEL, KADPADI, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges in SR.NO. 9893

Order

in
CRL MP.7368/2018

in
CRL RC.628/2018

Date :31/05/2018

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

MLT-01/06/2018