

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.8815 of 2018

IN CRL RC.773/2018

B.SIVAKUMAR,

[PETITIONER]

Vs

S.M.SHAFI,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.773 OF 2018 on the file of the High Court, the High Court will be pleased to Suspend the sentence imposed by the judgement and sentenced to undergo imprisonment for one year and directed to pay compensation of Rs.5,00,000/- by a judgement dated 20.2.2018 made in C.A.No. 8/2016 on the file o Principal Sessions Judge, Kancheepuram District at Chengalpattu reversing the judgement in C.C.No.282/ 2015 on the file of Judicial Magistrate, Fast Track Court, Magistrate Level, Alandur dated 18.02.2017 and pass such further or other orders as this Hon'ble.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.773 of 2018 on the file of the High Court and upon hearing the arguments of M/S.A.RAJARAMAN, Advocate for the petitioner and of M/S.N.A.NISSAR AHMED, Advocate for the Respondent the court made the following order:-

The Petitioner/Appellant has come forward with Crl. M.P. No.8815 of 2018 seeking to suspend the sentence imposed on him by the judgment dated 20.02.2018 passed in Criminal Appeal No.8 of 2016 on the file of the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu convicting the petitioner/appellant to undergo imprisonment for one year and also directed to pay compensation of Rs.5,00,000/- to the respondent herein by setting aside the judgment of acquittal dated 18.02.2017 passed in C.C.No.282 of 2015 on the filed of the Judicial Magistrate, Fast Track Court, Magisterial Level, Alandur.

2. The learned counsel for the petitioner submits that there are inconsistencies in the evidence of the witnesses which were not properly considered by the Appellate Court while reversing the Judgment of the trial Court. It is further stated that there are arguable points involved in the revision and further the revision is

not likely to be taken up for final hearing in the near future. Hence, the counsel for petitioner prayed for suspending the substantial portion of the sentence imposed on him by the appellate Court pending disposal of the present Criminal revision.

3. Having regard to the submission of the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed on the petitioner subject to certain conditions.

4. Accordingly, substantial sentence of imprisonment alone is suspended on condition the petitioner to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of C.C.No.282 of 2015 on the file of Judicial Magistrate, Fast Track Court, Magisterial Level, Alandur; to execute a bond for a sum of Rs.5,000/- with two sureties each for a like sum to the satisfaction of the Trial Court and on further condition that the petitioner shall report before the trial Court on the first working day of every month at 10.30 a.m, pending disposal of the revision.

-sd/-
11/07/2018

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, ALANDUR.

2 THE PRINCIPAL SESSIONS JUDGE,
KANCHEEPURAM DISTRICT AT CHENGALPATTU.

+1 C.C. to M/S.A.RAJARAMAN Advocate on payment of necessary charges-Sr.12765

+1 C.C. to M/S.N.A.NISSAR AHMED, Advocate on payment of necessary charges-Sr.12817

Order

in
CRL MP.8815/2018

in
CRL RC.773/2018

Date :11/07/2018

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