

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.9170 of 2018
IN CRL RC.805/2018

K.V.KARTHIKEYAN

[PETITIONER]

Vs

SENTHILVEL

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.805/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of conviction order passed in C.C.No.206 of 2012 on the file of the Judicial Magistrate Court, Rasipuram order dated 19.06.2015 and confirmed in CA.No.28 of 2015 on the file of the Principal Sessions Judge at Namakkal dated 17.03.2016 against petitioner pending disposal of the above CRL RC.805/2018 [IN CRL.MP.NO.9170 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.805/2018 on the file of the High Court and upon hearing the arguments of M/S.C.THANGARAJU, Advocate for the petitioner, the court made the following order:-

The petitioner has filed this Criminal Revision Case, challenging the Judgment dated 19.06.2015 passed in C.C.206 of 2012 on the file of the learned Judicial Magistrate, Rasipuram convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo Simple Imprisonment for a period of Six months with a fine of Rs.2000/- in default to undergo Simple Imprisonment for one month. Such conviction and sentence passed by the Trial Court was confirmed by the Judgment dated 17.03.2016 passed in C.A.No.28 of 2015 on the file of the Principal Sessions Judge, Namakkal pending revision case, the present miscellaneous petition has been filed, seeking suspension of sentence.

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 Courts below. 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. It is also submitted by the petitioner that the sum of Rs.3,00,000/- was already deposited before the Trial Court. Hence, he prayed for suspending the substantial portion of the sentence alone

pending disposal of the present Criminal revision.

3. Having regard to the submission of the learned counsel for the petitioner taking into consideration, the facts and circumstances of the case and taking note of the fact that the learned counsel for the petitioner would submit that the petitioner has already deposited Rs.3,00,000/- before the Trial Court, this Court is inclined to suspend the sentence imposed on the petitioner/accused.

4. Accordingly, substantial sentence of imprisonment alone is suspended on condition the petitioner execute a bond for a sum of Rs.10,000/- 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 COURT,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

+1C.C. to M/S.C.THANGARAJU Advocate on payment of necessary
charges SR NO.12777

Order

in
CRL MP.9170/2018

in
CRL RC.805/2018

Date :11/07/2018

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