

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.13518 of 2018

& CRL.RC.NO.1159 OF 2018

T.P.NALLUSAMY

[PETITIONER / APPELLANT / ACCUSED]

Vs

M/S.INDIA CEMENTS INVESTMENTS [RESPONDENT]
SERVICES [P] LTD.,

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1159 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in S.T.C.No.823 of 2010, on the file of the Judicial Magistrate No.1, Namakkal as confirmed in C.A.NO.36 of 2018, on the file of the Sessions (Fast Track Mahila) Judge, Namakkal pending disposal of the above CRL.RC.NO.1159 OF 2018 [IN CRL.MP.NO.13518 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1159 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.G.MURUGENDRAN, Advocate for the petitioner, the court made the following order:-

Petitioner faced trial to suspend the sentence of imprisonment imposed on the petitioner in S.T.C.No.823 of 2010, dated 22.03.2018, on the file of the Judicial Magistrate I, Namakkal and confirmed the same in C.A.No.36 of 2018, dated 11.08.2018 on the file of the Sessions Judge (Fast Track Mahila Court), Namakkal, dated 11.08.2018 and convicted the petitioner and sentencing him for the offence under Section 255(2) Cr.P.C., to undergo Simple Imprisonment for one year along with a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for 3 months. Hence, praying to enlarge the petitioner on bail pending disposal of the above Criminal Revision petition before this Court. This miscellaneous petition has been filed seeking suspension of sentence.

2. The learned counsel for the petitioner would submit that there are bristling inconsistencies and lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable.

3.Having regard to the fact 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, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4.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 for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties s each for a like sum to the satisfaction of the learned Judicial Magistrate I, Namakkal and on further condition that the petitioner is directed to deposit a sum of Rs.3 lakhs (Rupees Three Lakhs only) to the credit of S.T.C.No.823 of 2010, on the file of the Judicial Magistrate I, Namakkal on or before 01.11.2018 and also on further that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

Notice to the respondent returnable by 02.11.2018. Private notice is also permitted.

Post the matter on 02.11.2018, for reporting compliance

-sd/-

09/10/2018

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,
NO.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SESSIONS [FAST TRACK
MAHILA] JUDGE, NAMAKKAL.

C.C. to M/S.G.MURUGENDRAN Advocate on payment of necessary charges

Order

in
CRL MP.13518/2018
& CRL.RC.NO.1159 OF 2018

Date :09/10/2018

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MK:12/10/2018



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