IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.13057 of 2018

IN CRL.RC.NO.1119/2018

A.M.THIRUNAVUKARASU [PETITIONER]

Vs

A.P.VENKATACHALAM [RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.1119 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by judgment dated 18.08.2018 made in C.A.No.51 of 2017 on the file of the Learned IInd Additional District and Sessions Judge Salem, confirming the judgment dated 18.04.2017 made in STC.No.2246 of 2013, on the file of the Judicial Magistrate No.I, Sankagiri pending disposal of the above Crl.RC.No.1119 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1119 of 2018 on the file of the High Court and upon hearing the arguments of M/S.B.KUMARASAMY, Advocate for the petitioner the court made the following order:-

Petitioner filed this petition to suspend the sentence of imprisonment imposed on the petitioner in S.T.C.No.2246 of 2013, dated 18.04.2017, on the file of the Judicial Magistrate Court No.I, Sankagiri and confirmed the same in C.A.No.51 of 2017 dated 18.08.2018 on the file of II Additional District and Sessions Judge, Salem, convicted the petitioner under Section 138 of the Negotiable Instruments Act and sentencing him to undergo Simple Imprisonment for the period of 6 months and shall pay the compensation of Rs.6,00,000/- under Section 357 Cr.P.C.. 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. Learned counsel for petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

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3. Heard learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the State.

4. Taking into consideration the submissions of learned counsel for 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 is entitled to the relief of grant of suspension of sentence.

5. 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 each for a like sum to the satisfaction of the learned Judicial Magistrate I, Sankagiri, and on further condition that the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only - 50% of the compensation amount) to the credit of S.T.C.No.2246 of 2013 on the file of the Judicial Magistrate No.1, Sankagiri 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 revision.

-sd/-
01/10/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, SANKAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE IIND ADDL. DISTRICT AND
SESSIONS JUDGE, SALEM.

+1 C.C. To M/S.B. KUMARASAMY, Advocate on payment of necessary charges-Sr.18528

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Order

CRL MP.13057/2018
IN CRL.RC.NO.1119/2018

Date :01/10/2018

From 7.2.2001 the Registry is issuing certified
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