

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.15623 of 2018

IN CRL RC.1328/2018

A.RAJENDRAKUMAR

[PETITIONER / APPELLANT / ACCUSED]

Vs

S.JAYASIMNAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.1328/2018 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence and conviction dated 30.08.2017 passed in C.C.No.317 of 2015 against the Petitioner/Appellant by the Hon'ble Judicial Magistrate-1, Chengalpat pending disposal of the above main CRL RC.1328/2018 [IN CRL.MP.NO.15623 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.1328/2018 on the file of the High Court and upon hearing the arguments of M/S.A.THIRUVILANKUMAR, Advocate for the petitioner, the court made the following order:-

The petitioner/appellant was convicted for offences under Sections 138 and 142 of the Negotiable Instruments Act and sentenced to undergo two years Rigorous imprisonment and to pay a sum of Rs.18,20,000/- with interest at 9% per annum, as compensation u/s.357(3) Cr.P.C., in default, to undergo three months Rigorous imprisonment, by the learned Judicial Magistrate, No.I, Chengalpattu, under judgment, dated 30.08.2017, in C.C.No.317 of 2015. The conviction and sentence imposed by the trial Court was confirmed by learned Principal Sessions Judge, Chengalpattu, under order in C.A.No.66 of 2017, dated 14.09.2018. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner/appellant 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.

3.In view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the

revision, as contended by learned counsel for petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant 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 the following conditions:

(i) The petitioner/appellant shall deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the credit of C.C.No.317 of 2015, on the file of the Judicial Magistrate No.1, Chengalpat, within a period of four weeks from the date of receipt of a copy of this order;

(ii) The petitioner/appellant/accused 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 learned Judicial Magistrate, No.1, Chengleput;

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. pending disposal of the revision.

(iv) In case the conditions are not complied with, the interim order of suspension of sentence shall stand vacated automatically without further reference to this Court.

-sd/-

23/11/2018

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

WEB COPY

+2C.C. to M/S.A.THIRUVILANKUMAR Advocate on payment of
necessary charges SR NO.22209

Order

in
CRL MP.15623/2018

in
CRL RC.1328/2018

Date :23/11/2018

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

MK:23/11/2018



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