

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.17227 of 2018

IN CRL RC.1463/2018

GANDHIMATHI

[PETITIONER]

Vs

VENKATESAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1463/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner as per order passed by the Principal District and Sessions Judge, Vellore made in C.A.No.34 of 2017 dated 01.08.2018 and which confirmed the Judgment dated 27.03.2017 passed by the Judicial Magistrate Fast court, vellore in C.C.NO.114 of 2015 till the disposal of the above criminal Revision Petition.[CRL.MP.NO.17227/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1463/2018 on the file of the High Court and upon hearing the arguments of M/S.R.SASIKUMAR Advocate for the petitioner the court made the following order:-

The petitioner/appellant was convicted for offence under Sections 138 and 142 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay the cheque amount with 6% interest, as compensation to the complainant, in default, to undergo three months simple imprisonment, by the learned Judicial Magistrate, Fast Track Court, Vellore, under judgment, dated 27.03.2017, in C.C.No.114 of 2015. The conviction and sentence imposed by the trial Court were confirmed by learned Principal District and Sessions Judge, Vellore, under judgment in C.A.No.34 of 2017, dated 01.08.2018. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the 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.

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 the 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 shall deposit 50% of the cheque amount i.e. a sum of Rs.1,50,000/- (Rupees one Lakh Fifty Thousand only) to the credit of C.C.No.114 of 2015, on the file of the Judicial Magistrate, Fast Track Court, Vellore, within a period of four weeks from the date of receipt of a copy of this order;

(ii) 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 learned Judicial Magistrate (Fast Track Court) Vellore;

(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/-
18/12/2018

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VELLORE

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, VELLORE

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

+1 C.C. to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO. 24365

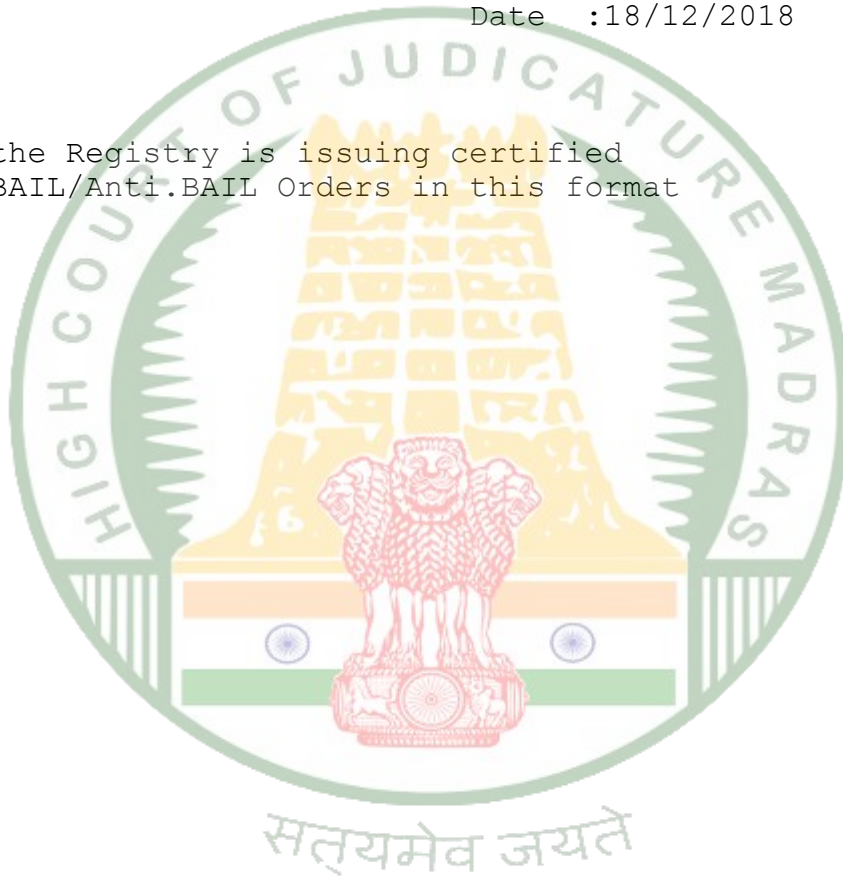
Order

in
CRL MP.17227/2018

in
CRL RC.1463/2018

Date :18/12/2018

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 19/12/2018



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