

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.17234 of 2018

IN CRL RC.1466/2018

SWARNALATHA

[PETITIONER]

Vs

M.GOTHANDAPANI

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1466/2018 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence passed in C.A.No.56 of 2016 on 05.09.2018 by the file of the Learned Additional District Judge, (Fast Track Court), Villupuram District confirming the order of the Learned Judicial Magistrate NO.I, Villupuram made in C.C.NO.49 of 2011 dated 28.11.2016 be suspended pending disposal of the above appeal and to pass such further or other orders. [CRL.MP.NO.17234/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1466/2018 on the file of the High Court and upon hearing the arguments of M/S.S.SARAVANAKUMAR Advocate for the petitioner the court made the following order:-

The petitioner/appellant was convicted for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay a sum of Rs.2,53,000/-, as compensation to the complainant, by the learned Metropolitan Magistrate, No.1, Villupuram, under judgment, dated 28.11.2016, in C.C.No.49 of 2011. The conviction and sentence imposed by the trial Court were confirmed by learned Additional District Judge (Fast Track Court), Villupuram, under judgment in C.A.No.56 of 2016, dated 05.09.2018. 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.The learned counsel would also submit that the petitioner has already deposited a sum of Rs.25,000/-, before the appellate Court.

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.

5. 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 compensation amount, less the amount already deposited before the appellate Court, i.e. a sum of Rs.1,00,000/- (Rupees One Lakh Twenty Six Thousand only) to the credit of C.C.No.49 of 2011, on the file of the Metropolitan Magistrate, No.1, Villupuram, 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 Additional District Judge (Fast Track Court), Villupuram District;

(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

सत्यमेव जयते
TRUE COPY

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

WEB COPY

TO

1 THE METROPOLITAN MAGISTRATE,
NO.1, VILLUPURM

2 THE ADDITIONAL DISTRICT
JUDGE[FAST TRACK COURT]VILLUPURAM DISTRICT

3 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
NO.1, VILLUPURAM

4 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

+1 C.C. to M/S.S.SARAVANAKUMAR Advocate on payment of necessary
charges SR.NO. 24283

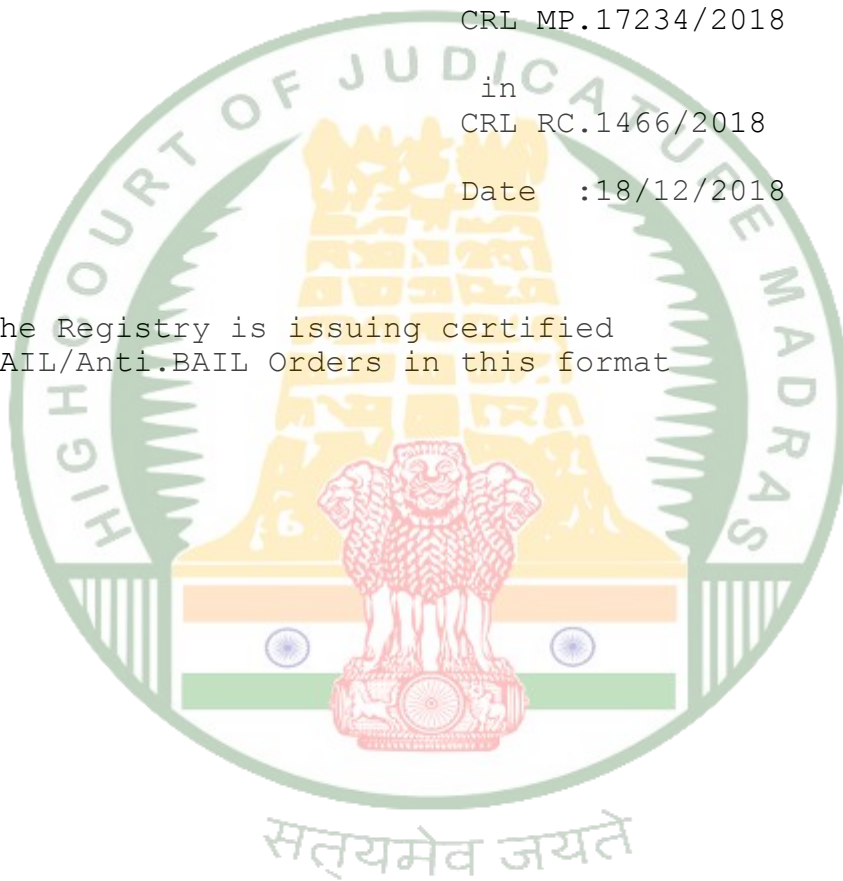
Order

in
CRL MP.17234/2018

in
CRL RC.1466/2018

Date :18/12/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 21/12/2018



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