

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventeenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION Nos.16977 and 17407 of 2018

IN CRL RC.No.1451 of 2018

R.EDISON SELVARAJ

[PETITIONER/APPELLANT
in both petitions]

Vs

VENKATESAN

[RESPONDENT
in both petitions]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.No.1451 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence

(i) suspend the sentence imposed on the petitioner as per order passed by the Principal District and Sessions Judge, Vellore, made in C.A.35 of 2017 dated 01.08.2018 and which confirmed the judgment dated 27.03.2017 passed by the Judicial Magistrate, (Fast Track Court), Vellore in C.C.No.72 of 2016 till the disposal of the above CRL.R.C.No.1451 of 2018 [CRL.M.P.No.16977 of 2018]

(ii) exemption for surrendering of the Petitioner before the Judicial Magistrate, (Fast Track Court), Vellore in C.A.72 of 2016 dated 27.03.2017, in pursuance with order of dismissal passed in the Appeal filed by the petitioner in C.A.No.35 of 2017 dated 01.08.2018 passed by the Principal District and Sessions Judge, Vellore and pass such further or other orders as this Honble court [CRL.M.P.No.17407 of 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.No.1451 of 2018 on the file of the High Court and upon hearing the arguments of M/S.R.SASIKUMAR, Advocate for the petitioner, in both petitions the court made the following order:-

Petitioner was convicted for an offence under Sections 138 and 142 of N.I.Act and was sentenced as per Section 255(2) Cr.P.C., to undergo simple imprisonment for one year and further directed the petitioner to pay the cheque amount as compensation with 6% interest

from the date of complaint to the complainant as per Section 357(3) of Cr.P.C., in default to undergo 3 months simple imprisonment and also directed the petitioner to pay a sum of Rs.5000/- towards litigation charges. Hence, petitioner seeks suspension of sentence and exemption from surrendering before the Judicial Magistrate (Fast Track Court), Vellore.

2. The 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.

3. Heard learned Government Advocate (Crl.Side) on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and 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 and further the revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence and exemption from surrendering before the Trial Court.

5. Accordingly, these miscellaneous petitions are allowed and the substantive sentence of imprisonment alone is suspended on condition that the petitioner shall deposit 50% of the cheque amount to the credit of C.C.No.72 of 2016, on the file of the learned Judicial Magistrate(Fast Track Court), Vellore, within a period of four weeks from the date of receipt of a copy of this order, failing which, the order of suspension of sentence shall stand vacated automatically, without any further reference to this Court and further 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(Fast Track Court), Vellore. Further, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders. In view of the suspension of sentence, the petitioner is exempted from surrendering before the learned Judicial Magistrate(Fast Track Court), Vellore.

-sd/-

17/12/2018

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 JUDICIAL MAGISTRATE,
FAST TRACK COURT,
VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE,
VELLORE

+1C.C. to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NO. 24181

Order

in

CRL MP.Nos.16977 & 17407 of 2018

in

CRL R.C.No.1451 of 2018

Date :17/12/2018

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copies of the BAIL/Anti.BAIL Orders in this format

cm 20/12/2018

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