

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION NOS.16634 & 16635 of 2018

IN CRL.RC.NO.1423 OF 2018

K.PRABU

[ PETITIONER ]

Vs

M.SELVARAJ

[ RESPONDENT ]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1423 OF 2018 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence imposed in the order dated 02.11.2018 made in C.A.No.73 of 2018 on the file of the Learned II Additional District Sessions Court, Erode, IN CRL.RC.NO.1423 OF 2018 [IN CRL.MP.NO.16634 OF 2018]

[ii] grant an order of exemption from surrendering before the court below in pursuance to the order dated 02.11.2018 made in C.A.no.73 of 2018 on the file of the II Additional District and Sessions Judge, Erode pending disposal of the above CRL.RC.NO.1423 OF 2018 [IN CRL.MP.NO.16635 OF 2018]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1423 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.M.GURUPRASAD, Advocate for the petitioner, the court made the following order:-

Petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo three months simple imprisonment and was imposed compensation to the tune of Rs.25,00,000/- in default simple imprisonment for one month, by learned II Additional District Sessions Court, Erode, in C.A.No.73 of 2018 dated 02.11.2018. Hence, petitioner seeks suspension of sentence and exemption from surrendering before the Court below.

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.

5. Accordingly, the substantive sentence of imprisonment and the imposed compensation to the tune of Rs.25,00,000/-, are 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 (Fast Track Court) No.II, Erode and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision. In view of the suspension of sentence, the petitioner is exempted from surrendering before the Court below in pursuance of the order dated 02.11.2018 made in C.A.No.73 of 2018 on the file of the learned II Additional District and Sessions Judge, Erode.

6. Crl.M.P.Nos.16634 and 16635 of 2018 are ordered accordingly.

-sd/-  
07/12/2018

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 II ADDITIONAL DISTRICT  
SESSIONS COURT, ERODE.

2 THE JUDICIAL MAGISTRATE,  
(FAST TRACK COURT) NO.II, ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE  
ERODE [FOR INFORMATION]

+1C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary  
charges SR NO.23473

Order

in  
CRL MP.16634 & 16635 of 2018  
IN CRL.RC.NO.1423 OF 2018

Date :07/12/2018

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

MK:12/12/2018