

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.16900 of 2018

IN CRL RC.1447/2018

M.VINODTH KUMAR

[PETITIONER]

Vs

M.UDHAYAKUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1447/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the order of conviction dt.2.5.2018 made STC.No.212 of 2016 on the file of the Judicial Magistrate, FTC No.II, Erode which was confirmed by the order dt.8.11.2018 made in CA.No.238 of 2018. on the file Principal 2nd Additional district and sessions court Erode pending disposal of the above criminal revision petition.[CRL.MP.NO.16900 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1447/2018 on the file of the High Court, and upon hearing the arguments of M/S.S.LAKSHMANASAMY 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 one year simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months, by the learned Judicial Magistrate, Fast Track Court No.2, Erode, under judgment, dated 02.05.2018, in S.T.C.No.212 of 2016. The conviction and sentence imposed by the trial Court was confirmed by the learned II Additional District Judge, Erode, under judgment in C.A.No.238 of 2018, dated 08.11.2018. 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 50% of the cheque amount i.e. a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of S.T.C.No.212 of 2016, on the file of the Judicial Magistrate, Fast Track Court No.2, Erode, 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 (Fast Track Court No.II), Erode;

(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/-

13/12/2018

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 NO.II], ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PRINCIPAL 2ND ADDITIONAL DISTRICT
AND SESSIONS COURT, ERODE

+1 C.C. to M/S.S.LAKSHMANASAMY Advocate on payment of necessary charges SR.NO. 24062

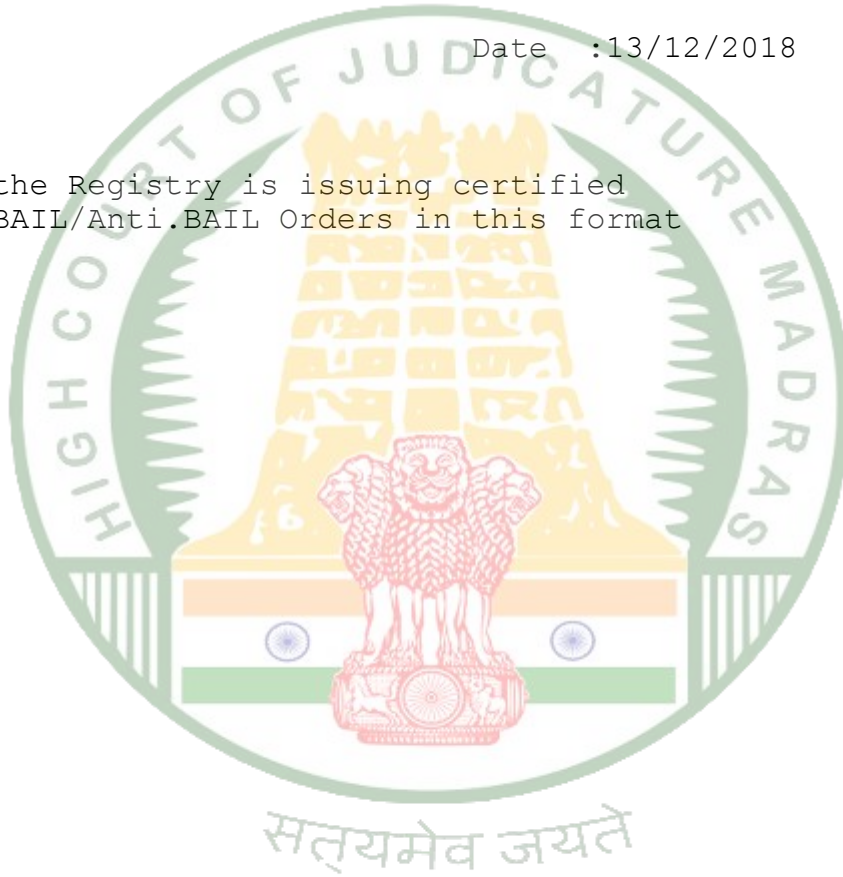
Order

in
CRL MP.16900/2018

in
CRL RC.1447/2018

Date :13/12/2018

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RD 14/12/2018



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