

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.17290 of 2018

IN CRL RC.1473/2018

L.KAMAL

[PETITIONER]

Vs

R.ARCHANA

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1473/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of simple imprisonment of ten months and also award of compensation of Rs.15 Lakhs passed in CC.No.202 of 2016 on 28.5.2018 by the Learned M.M.,FTC IV,G.T.,Chennai confirming in CA.No.333 of 2018 on 29.11.2018 by the Learned XVII additional judge,chennai pending disposal of the above Appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1473/2018 on the file of the High Court and upon hearing the arguments of M/S.SOUNDARA RAJAN 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 ten months simple imprisonment and to pay a sum of Rs.15,00,000/-, as compensation to the complainant, in default, to undergo two months simple imprisonment, by the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai-1, under judgment, dated 28.05.2018, in C.C.No.202 of 2016. The conviction and sentence imposed by the trial Court were confirmed by learned XVII Additional Judge, Chennai, under judgment in C.A.No.333 of 2018, dated 29.11.2018. 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.5,00,000/- (Rupees Five Lakh Fifty Thousand only) to the credit of C.C.No.202 of 2016, on the file of the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai-1, 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 Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai-1;

(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.

[*]for being mentioned as per the order of this court dated 21/12/2018 made in CRL.MP.NO.17290 OF 2018 IN CRL.RC.NO.1473/2018.

TO

1 THE METROPOLITAN MAGISTRATE,
FAST TRACK COURT NO.IV,
GEORGE TWON, CHENNAI-1

2 THE CHIEF METROPOLITAN

<https://hservices.ecourts.gov.in/hservices/magistrate/enlarge> [FOR INFORMATION]

3 THE XVII ADDITIONAL JUDGE,
CHENNAI

+1 C.C. to M/S.SOUNDARA RAJAN Advocate on payment of necessary
charges SR.NO. 24742

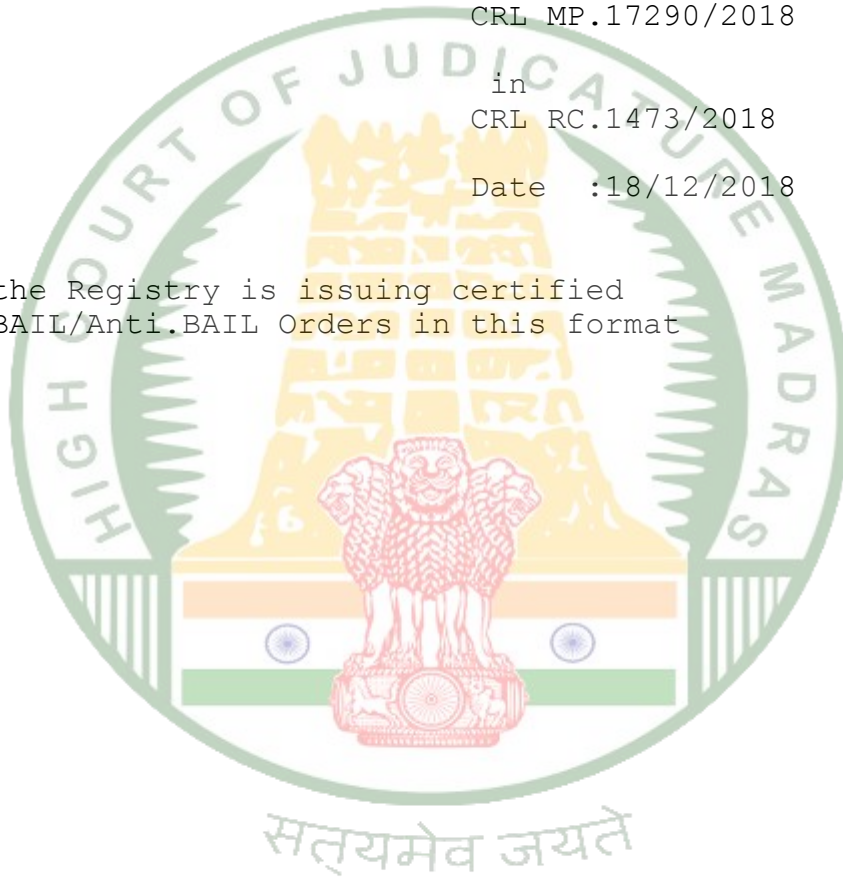
Order

in
CRL MP.17290/2018

in
CRL RC.1473/2018

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
RD 21/12/2018



WEB COPY