



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Seventeenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL MP (MD) No.3614 of 2018
IN
CRL RC (MD) No.264 of 2018

DHAS

... PETITIONER/ PETITIONER

Vs

1 CHRISTU RAJ

2 STATE OF TAMIL NADU REP.BY
THE SPECIAL PUBLIC PROSECUTOR
NAGERCOIL, KANYAKUMARI DISTRICT.

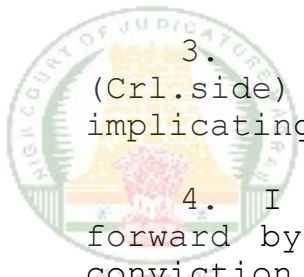
... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by the Judgement dated 01/02/2018 made in C.A.No.56/2008 on the file of the Mahila Fast Track Court, Kanyakumari District at Nagercoil confirmed as per the Judgement dated 04/04/2008 in STC.No.3348/2005 on the file of the Principal District Munsif Court cum Judicial Magistrate Court at Eraniel and enlarge the petitioner on bail pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.MURUGAN, Advocate for the petitioner, the court made the following order:-

The petitioner has been convicted by the learned Principal District Munsif cum Judicial Magistrate, Eraniel in S.T.C.No.3348 of 2005 and sentenced to undergo 3 months simple imprisonment and to pay a fine of Rs.5000/-(Rupees Five Thousand Only) and in default, to undergo 3 weeks simple imprisonment for an offence under Section 138 of Negotiable Instrument Act, 1881. Further, the learned Judge, Mahila Fast Track Court, Nagercoil in C.A.No.56 of 2008, has confirmed the conviction and sentence ordered by the learned trial Judge. Against the conviction and sentence passed by the lower appellate Court, Crl.R.C.(MD)No.264 of 2018 has been filed and in order to suspend the sentence, the present Miscellaneous Petition is filed.

2. It is submitted by the learned counsel for the petitioner that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in material particulars.



3. It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record for implicating the petitioner herein.

4. I have carefully considered the rival contentions put forward by either side and also perused the impugned judgment of conviction.

5. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in the prosecution case and also certain contradictions in material particulars between the evidence of prosecution witnesses and there are arguable points involved in this revision 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.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he executes 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 Principal District Munsif Cum Judicial Magistrate Court, Eraniel and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m. pending disposal of the revision.

sd/-
17/05/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE, MAHILA FAST TRACK COURT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. THE PRINCIPAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ERANIEL.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
4. THE SPECIAL PUBLIC PROSECUTOR
NAGERCOIL, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.R.MURUGAN Advocate SR.No.8723

ORDER IN
CRL MP(MD) No.3614 of 2018
IN CRL RC(MD) No.264 of 2018
Date :17/05/2018