

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.1301 of 2019

IN CRL RC.148/2019

M/S.BHARATH DIAGNOSTIC CENTRE [PETITIONER]
X-RAY AND ECG, REP BY ITS MANAGING PARTNER,
V.T.ELANGOVAN,

Vs

M/S.H-MAN HEALERS [RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.148/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of simple imprisonment till the rising of the court and directed to pay Rs.50,000/-as compensation to the respondent/complainant under sec.357(3) of the Cr.P.C. Within 2 months from the date of Judgement and in default to undergo simple imprisonment for a period of 3 months in Crl.A.No.164/2016 dated 30.11.2018 passed by II Additional Sessions Judge, Chennai. [CRL.MP.NO.1301/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.148/2019 on the file of the High Court and upon hearing the arguments of M/S.S.VENKATESAN Advocate for the petitioner the court made the following order:-

The petitioner/appellant is convicted for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and he was also directed to pay a sum of Rs.50000/- as compensation to the complainant, in default, sentenced to undergo simple imprisonment for two months, by the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai, under judgment, dated 05.05.2016, in C.C.No.63 of 2013. The conviction and sentence imposed by the trial Court were confirmed by the learned II Additional Sessions Judge, Chennai, under judgment in C.A.No.164 of 2016, dated 30.11.2018. 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 to the credit of C.C.No.63 of 2013, on the file of the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai, 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 Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai.

(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/-
29/01/2019

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 SESSIONS
JUDGE, CHENNAI

2 THE METROPOLITAN MAGISTRATE,
FAST TRACK COURT NO. III,
<https://hcservices.ecourts.gov.in/hcservices/>
SAIDAPET, CHENNAI

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE
[FOR INFORMATION]

+1 C.C. to M/S.S.VENKATESAN Advocate on payment of necessary
charges SR.NO. 1938

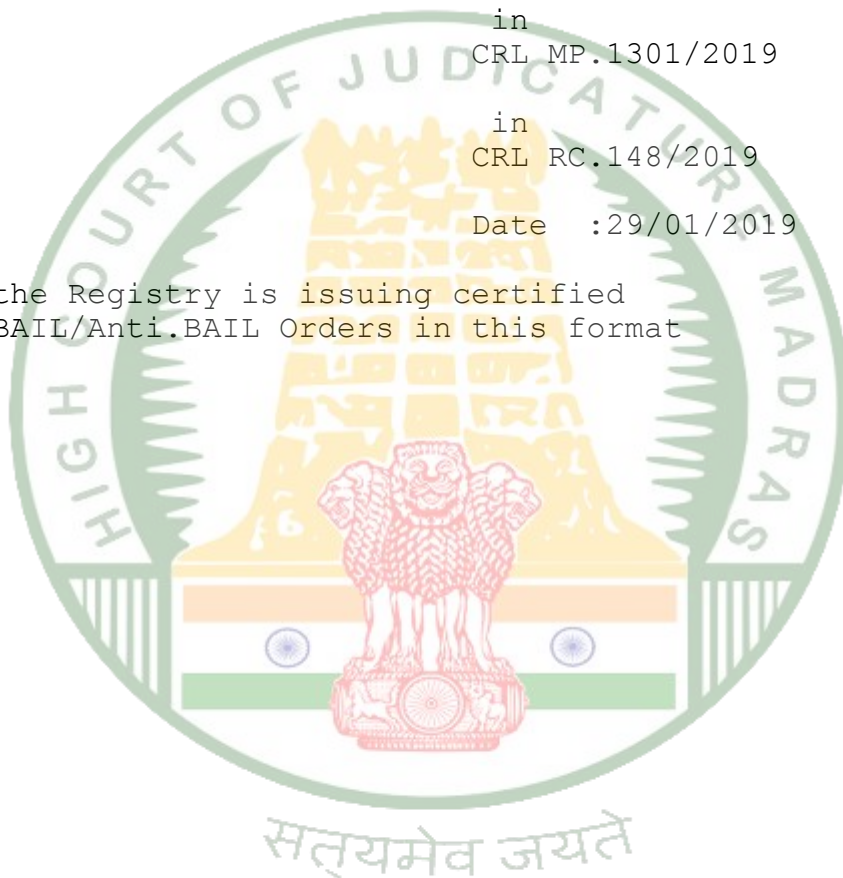
Order

in
CRL MP.1301/2019

in
CRL RC.148/2019

Date :29/01/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 30/01/2019



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