

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.1565 of 2019

in CRL.R.C.No.172 of 2019

K.DEENADAYALAN

[PETITIONER / ACCUSED]

Vs

N.SELVAKUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.No.172 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence by IIIrd Additional Sessions Judge Chennai in C.A.No.256 of 2017 dated 09.10.2017 while confirming the conviction imposed by the Metropolitan Magistrate Fast Track No.III, Saidapet Chennai - 15, in C.C.No.1885 of 2012 dated 19.08.2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.No.172 of 2019 on the file of the High Court and upon hearing the arguments of M/S.C.V.KUMAR, Advocate for the petitioner, the court made the following order:-

The petitioner/accused 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 the cheque amount, by the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai, under judgment, dated 19.08.2017, in C.C.No.1885 of 2012. The conviction and sentence imposed by the trial Court were confirmed by the learned III Additional Sessions Judge, Chennai, under judgment in C.A.No.256 of 2017, dated 09.10.2017. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner/accused 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/accused shall deposit 50% of the cheque amount to the credit of C.C.No.1885 of 2012, on the file of the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai, within a period of six weeks from the date of receipt of a copy of this order;

(ii)The petitioner/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/-
31/01/2019

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 METROPOLITAN MAGISTRATE,
FAST TRACK COURT NO.III,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE III ADDITIONAL SESSIONS JUDGE,
CHENNAI

+1 C.C. to M/S.C.V.KUMAR Advocate on payment of necessary
charges SR.NO.2297

Order

in
CRL MP.No.1565 of 2019
in
CRL.R.C.No.172 of 2019

Date :31/01/2019

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

cm 01/02/2019