

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.1521 of 2019

IN CRL RC.No.169 of 2019

K.S.RAMAN

[PETITIONER/PPELLANT]

vs

V.ARULKUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.No.169 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence in pursuant to the order dated 20.08.2018 in C.A.No.216 of 2017 passed by the learned 1st Additional District Sessions Court at Coimbatore and confirmed the order passed in CC.158 of 2017 on the file of the Judicial Magistrate Fast Track Court No.1, Coimbatore.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.No.169 of 2019 on the file of the High Court and upon hearing the arguments of M/S.R.KRISHNA KUMAR, 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.3,00,000/- as compensation to the complainant, in default, sentenced to undergo simple imprisonment for two months, by the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore, under judgment, dated 04.07.2017, in C.C.No.158 of 2017. The conviction and sentence imposed by the trial Court were confirmed by the learned I Additional District Sessions Judge, Coimbatore, under judgment in C.A.No.216 of 2017, dated 20.08.2018. 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.158 of 2017, on the file of the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore, 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.I, Coimbatore.

(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/-
30/01/2019

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 JUDICIAL MAGISTRATE
FAST TRACK COURT NO.I,
COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE,
COIMBATORE

+1 C.C. to M/S.R.KRISHNA KUMAR Advocate on payment of necessary
charges SR.NO.2410

Order

in
CRL MP.1521/2019

in
CRL RC.169/2019

Date :30/01/2019

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

cm 04/02/2019

सत्यमेव जयते

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