

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.17930 of 2018

IN CRL.RC.No.1047 OF 2018

M/S.ABIJITH TRADERS, [PETITIONER]
REP BY ITS PROPRIETOR,
MR.B.BALASUBRAMANIAN,

Vs

1 SRI ANGALAMMAN TRADERS [RESPONDENT]
NO.414, NEHRU STREET, TINDIVANAM,
VILLUPURAM DISTRICT.

2 S.KALAISELVI

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the order of suspension of sentence granted to the respondents by order dated 24.09.2018 in Crl.MP.No.12265/2018 in Crl.RC.No.1047/2018.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.C.M.GUNASEKARAN, Advocate for the petitioner and of MR.S.ILAMPARITHI on behalf of the Respondent the court made the following order:-

This is a petition seeking to cancel the order of suspension of sentence granted to the respondents herein, by order dated 24.09.2018 in Crl.M.P.No.12265 of 2018 in Crl.R.C.No.1047 of 2018.

2.This Court, vide its order dated 24.09.2018, suspended the sentence imposed against the respondents herein on certain conditions as under:

"5.Accordingly the substantive sentence of imprisonment alone is suspended and the second 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 the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai and on further condition

that the second petitioner is directed to deposit a sum of Rs.7,10,768 (Rupees Seven Lakhs Ten Thousand and Seven Hundred and Sixty Eight -50% of the compensation amount) to the credit of C.C.No.39 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai within a period of four weeks from the date of receipt of a copy of this order and also on further condition that the second petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision".

3. When the matter is taken up for hearing, the learned counsel for the petitioner would submit that the condition that directing the second respondent herein to deposit Rs.7,10,768/- within four weeks, has not been complied with as on date.

4. The learned counsel for the respondents would have no instructions to say anything on the said submission made by the learned counsel appearing for the petitioner. The learned counsel for the respondents would submit that a modification petition has been filed, however, the same has not been listed for hearing.

5. In view of the violation of the condition imposed by this Court, this Court is of the view that the suspension of sentence need not be extended any further and therefore, the order of suspension of sentence granted by this Court, dated 24.09.2018, in Crl.M.P.No.12265 of 2018, shall stand vacated and Crl.M.P.No.12265 of 2018 is dismissed. Consequently, this petition viz., Crl.M.P.No.17930 of 2018 is allowed.

-sd/-

07/01/2019

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 IV,
GEORGE TOWN, CHENNAI.

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

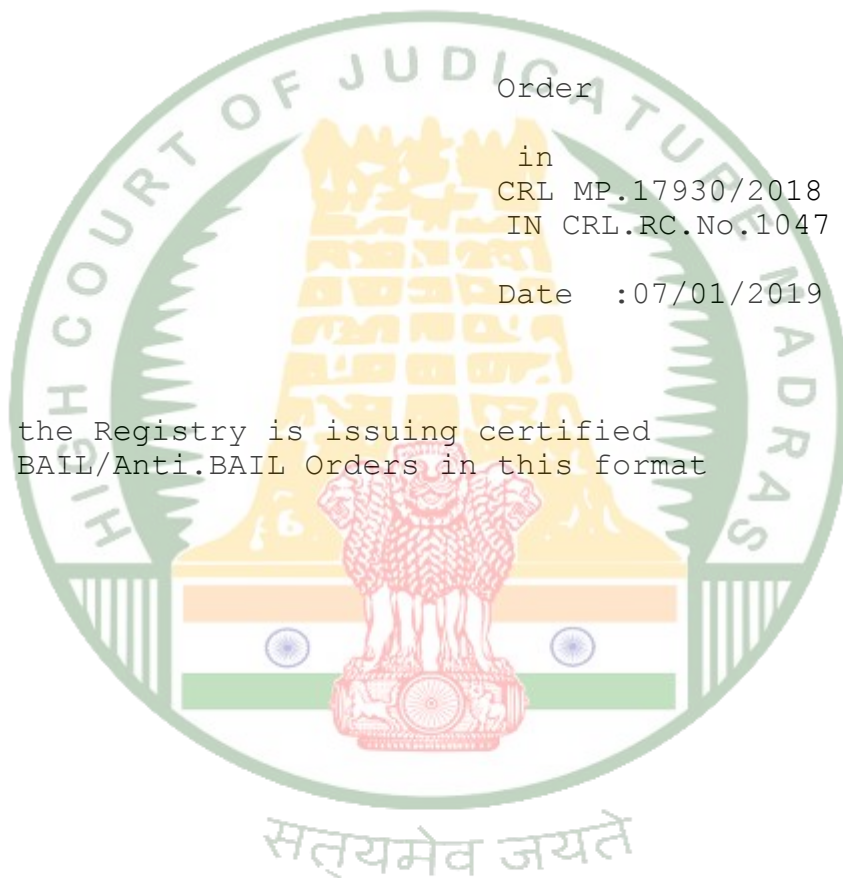
3 THE IV ADDITIONAL SESSIONS
JUDGE, CITY CIVIL COURT, CHENNAI.

+1C.C. to M/S.C.M.GUNASEKARAN Advocate on payment of necessary
charges in SR.NO. 297

Order
in
CRL MP.17930/2018
IN CRL.RC.No.1047 OF 2018
Date :07/01/2019

From 7.2.2001 the Registry is issuing certified
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MLT-10/01/2019



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