

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.M.P.No.7531 of 2020

in

CRL.R.C.No.1076 of 2020

Venugopal

... Petitioner

Vs.

State rep.by
Inspector of Police,
Central Crime Branch, Chennai,
Crime No.2172 of 1996

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 482 of Criminal Procedure Code to suspend the conviction of sentence imposed upon the petitioner in C.C.No.5639 of 2016 on the file of the Special Metropolitan Magistrate for Exclusive Trial of CCB cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai dated 24.07.2018 and enlarge the petitioner on bail pending disposal of the above revision.

For Petitioner : Mr.R.Rajasekaran

For Respondent : Mr.C.Iyyappa Raj
Additional Government Pleader

WEB COPY
O R D E R

This Criminal Miscellaneous Petition has been filed to suspend the conviction of sentence imposed upon the petitioner in C.C.No.5639 of 2016 on the file of the Special Metropolitan Magistrate for Exclusive Trial of CCB cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai dated 24.07.2018 and enlarge the petitioner on bail pending disposal of the above revision.

2. The case of the prosecution is that P.W1/Sreenivas Rao is the owner of M/s.Vijaya Sales Corporation Company and Administrative Manager of Sudha Industries, Sri.Gowri Sangar Engineering Works and the accused is the Sales and Collection Agent of P.W.1 since the year 2002. The accused is alleged to have supplied Motor Pumps of P.W.1 to various purchaser between the period 13.04.2005 and 12.07.2005 vide invoice bills, but failed to deposit the money in the Bank of P.W.1. Further, the accused is alleged to have deliver the motor pumps to some other third persons instead of delivering to the persons mentioned in the invoice bills and thereby, swindled a sum of Rs.7,25,000/- . Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has filed this petition against the judgment of the IV Additional District Sessions Judge, Chennai in C.A.No.455 of 2018 dated 26.09.2019 confirming the trial Court judgment in C.C.No.5639 of 2016 on the file of the Special Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Chennai dated 24.07.2018. He would further submit that the lower Court, without considering the materials and evidence, convicted the petitioner to undergo six months simple imprisonment and imposed a fine of Rs.1,000/- in default to undergo one month simple imprisonment for the offence under Section 408 IPC and also convicted to undergo six month simple imprisonment and to pay fine of Rs.1,000/-, in default, to undergo one month simple imprisonment for the offence under Section 420 IPC. He would further submit that the Lower Court as well as the Lower Appellate Court failed to consider the evidence in a proper and perspective and gave a wrong finding and convicted the petitioner. Hence, he prayed for grant of suspension of sentence to the petitioner.

4. The learned Additional Public Prosecutor would submit that P.W1/Sreenivas Rao is the owner of M/s.Vijaya Sales Corporation Company and Administrative Manager of Sudha Industries, Sri.Gowri Sangar Engineering Works and the accused is the Sales and Collection Agent of P.W.1 since the year 2002 and the accused is alleged to have supplied Motor Pumps of P.W.1 to various purchaser between the period 13.04.2005 and 12.07.2005 vide invoice bills, but failed to deposit the money in the Bank of P.W.1. Further, the accused is alleged to have delivered the motor pumps to some other third persons instead of delivering to the persons mentioned in the invoice bills and thereby, swindled a sum of Rs.7,25,000/-. Hence, he opposed for grant of suspension of sentence to the petitioner.

6. In view of the above submission, finding arguable points, further it would take some time for the revision to be taken up for final hearing, this Court is inclined to suspend the sentence imposed on the petitioner. Accordingly, the petitioner is directed to be enlarged on bail on condition to 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 Special Metropolitan Magistrate for Exclusive Trial of CCB cases (relating to cheating cases in

Chennai) and CBCID Metro Cases, Chennai, Salem within a period of 15 days from the date of receipt of a copy of this order and on further condition that the petitioner shall appear before the said Court once in three months at 10.30 a.m. from 2021 till the disposal of the revision.

-sd/-
16/12/2020

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 SPECIAL METROPOLITAN
MAGISTRATE FOR EXCLUSIVE TRIAL
OF CCB CASES (RELATING TO CHEATING CASES IN CHENNAI)
AND CBCID METRO CASES, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. R.RAJASEKARAN Advocate on payment of necessary
charges SR.No.8369

Order

in
CRL MP.7531/2020

in
CRL.RC.1076/2020

Date :16/12/2020

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