

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Miscellaneous Jurisdiction)

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.M.P.No. 5834 of 2021

in

Crl.R.C.No. 308 of 2021

M.Kailasam

...Petitioner/Appellant

Vs.

K.C. Sugumaran

...Respondent

Prayer:

Criminal Miscellaneous Petition is filed under Section 397 (1) of the Code of Criminal Procedure, to suspend the execution of the Sentence passed in STC.No.35 of 2018, dated 15.03.2019 on the file of the Fast Track Court, Judicial Magistrate, Vellore, Vellore District, dated 05.01.2021 which was confirmed against the petitioner in C.A.No.32 of 2019 on the file of the Principal Sessions Judge, Vellore, Vellore District.

For Petitioner: Mr.S. Raja Ravi Varma

O R D E R

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the Principal Sessions Judge, Vellore, in C.A. No.32 of 2019, dated 05.01.2021 and confirming the judgment of the learned Judicial Magistrate, Fast Track Court, Vellore in STC.No.35 of 2018, dated 15.03.2019 enlarge the petitioner on bail till the disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner/accused was found guilty for the offences under Sections 138 and 142 of the Negotiable Instruments Act, sentenced and convicted him under Section 255(2) of Cr.P.C., to undergo Simple Imprisonment for one year and further directing him to pay the cheque amount of Rs.6,00,000/- (Rupees Six Lakh Only) as compensation in default to undergo Simple Imprisonment for further three months and also the petitioner was directed to pay a sum of Rs.5,000/- to the complainant towards litigation expenses.

3. The learned counsel appearing for the petitioner further submitted that the petitioner is an innocent person and he was falsely implicated in this case and he is only bread winner of the family and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and prays for suspension of sentence.

4. It is submitted by the learned Additional Public Prosecutor that the trial court has rightly convicted the petitioner and there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5. This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he 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 Fast Track Court, Judicial Magistrate, Vellore, Vellore District and on further condition that the petitioner shall appear before the said court on the first working day of every month at 10.00 a.m.

-sd/-

12/05/2021

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 FAST TRACK COURT,
JUDICIALMAGISTRATE, VELLORE,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PRINCIPAL SESSIONS JUDGE,
VELLORE, VELLORE DISTRICT

C.C. to M/S. S.RAJA RAVI VARMA Advocate on payment of necessary charges

Order

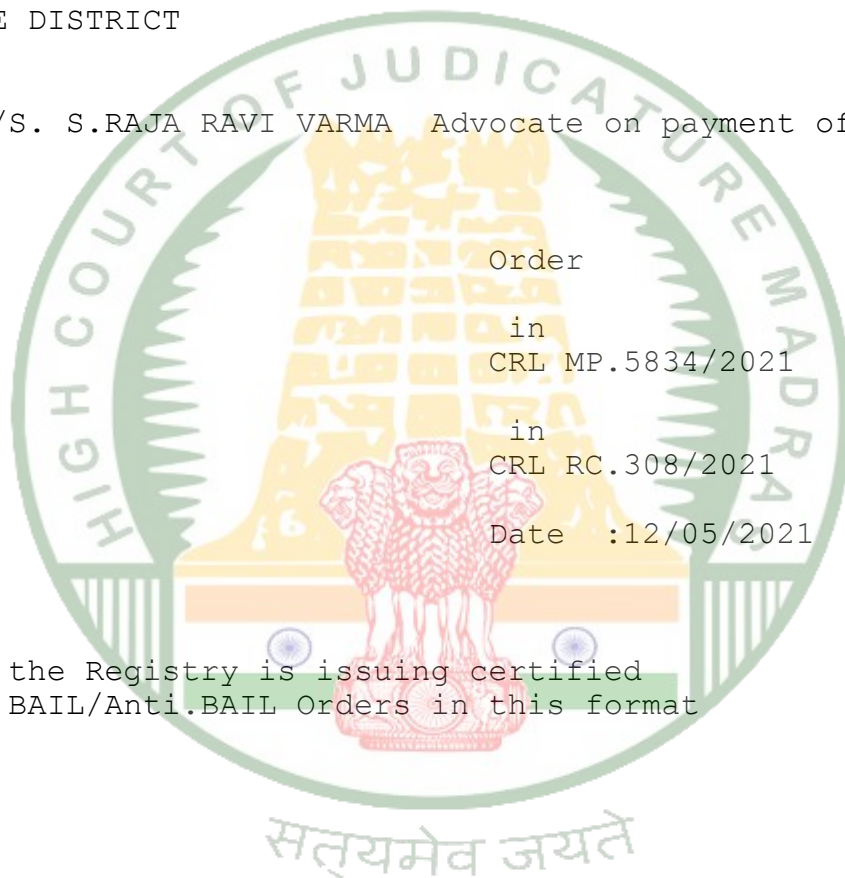
in
CRL MP.5834/2021

in
CRL RC.308/2021

Date :12/05/2021

From 7.2.2001 the Registry is issuing certified
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RVR 17/05/2021



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