



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice V.S.RAVI

CRL MP (MD) No.1126 of 2016

IN

CRL RC (MD) No.56 of 2016

MURUGESAN

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI, SIVAGANGAI DISTRICT.
(CRIME NO. 8 OF 2008)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the Learned Sessions Judge, Fast Track Mahalir Court, Sivagangai in C.A.No. 57 of 2010 dated 25.01.2016 and enlarge the petitioners on bail, pending disposal of the above CRL RC (MD) No.56 OF 2015.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.KANNAN, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This is a petition filed by the petitioner/A1 to suspend the sentence imposed on him in C.A.No.57 of 2010 dated 25.01.2016 by the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Sivagangai confirming the judgment dated 16.06.2010 made in C.C.No.164 of 2009 passed by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai.

2.It is specifically stated in the affidavit enclosed with the petition that the petitioner/A1 has got a very fair change in succeeding the revision and there is no previous case filed, as



against the petitioner, and during the period of trial, he has been granted bail and also, the petitioner has paid the fine amount, and unless, the petitioner is released on bail, the petitioner will be put to great loss and hardship.

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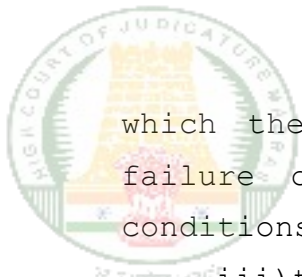
3. It is specifically pointed out in the grounds of revision enclosed with the petition that the defacto complainant viz., Baluchamy approached the petitioner and requested him to arrange a loan from Canara Bank at Manamadurai for the purpose of purchasing Cows and after changing the patta in his name, only, the petitioner mortgaged the said property with the Canara Bank and borrowed a loan for purchasing a Tractor. Further, in the grounds of revision, it is clearly pointed out by the revision petition that the prosecution has failed to establish the offence of cheating by showing that the accused has fraudulent or dishonest intention at the time of making promise or representation and in the present case, the entire loan has been already discharged as per the evidence of Canara Bank officers viz., P.Ws.7 and 8.

4. On a Perusal of the materials available on records, it is found that there are certain force in the points raised in the grounds of revision. From the submissions made on behalf of the petitioner, this Court finds that there are substantial and arguable points in the present case. Further, it is also seen that if certain stringent conditions are imposed, there is no chance for the accused to abscond. Further, after hearing the main revision alone, the correct and proper finding in the main case can be given.

5. Further, it is seen that various points raised in the grounds of revision require an indepth/threadbare examination at the time of final hearing of the main revision and also on going through the various grounds raised in the grounds of revision at this stage, this Court, to prevent aberration of justice, suspends the substantial sentence of imprisonment alone pending disposal of the criminal revision with the following conditions:

i) the petitioner/A1 shall be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a likesum to the satisfaction of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai;

<https://hcservices.ecourts.gov.in/hcservices/> ii) the petitioner/A1 shall appear before the said Court once in the first working day of every month until further orders, failing



which the said Court is directed to inform about the details of failure committed by the petitioner in complying with the said conditions, to the Registry of this Court, forthwith.

iii) the petitioner/A1 shall furnish his present full details of his residential address along with the copies of the family ration card/Aadhar Card/voter ID card issued by the Election Commission of India and also phone numbers (mobile/landline) if any to the said Court in the form of an affidavit, after serving an advance true copy of the same to the respondent police; and

iv) on receipt of the true copy of the said affidavit, the respondent police is directed to verify the veracity of the particulars given in the said affidavit and also liberty is granted to respondent to take appropriate follow up action, in accordance with law.

sd/-
08/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1. THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, MANAMADURAI
2. -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, SIVAGANGAI.
- 4 -DO-THRO' THE PRINCIPAL SESSIONS JUDGE SIVAGANGAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 7 THE SUB INSPECTOR OF POLICE DISTRICT CRIME BRANCH, SIVAGANGAI, SIVAGANGAI DISTRICT.

+1. C.C. to M/S V.KANNAN Advocate SR.No.7452

akm/08.02.2016/ 3p-9c/jgb/dp/SAR-I

ORDER
IN
CRL MP (MD) No.1126 of 2016
IN
CRL RC (MD) No.56 of 2016
Date : 08/02/2016