



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

Thursday, the Twenty Fourth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.11571 of 2016

IN

CRL RC(MD) No.797 of 2016

K.GANESH

..PETITIONER/PETITIONER

Vs.

K.NALLASAMY

..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 in judgment dated 13.07.2016 made in Crl.A No.36 of 2016 on the file of the Mahila Court, Karur in modifying the judgment made in C.C.No.333 of 2014 on the file of the Judicial Magistrate/Fast Track Court at Magisterial Level, Karur dated 21.05.2015 pending disposal of the Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.GOKUL RAJ, Advocate for the petitioner and Respondent not appearing in person or by an Advocate, the court made the following order:-

The petitioner challenge the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2.The revision petitioner is an accused in C.C.No.333 of 2014, on the file of the learned Judicial Magistrate/Fast Track Court at Magisterial Level, Karur.

3. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 138 of Negotiable Instruments Act	6 Months S.I.

4. The Learned Sessions Judge, Mahalir Neethi Mandram, (Fast Track Mahila Court), Karur, modified the conviction and sentence by two months Simple Imprisonment and partly allowed the Criminal Appeal No.36 of 2016.

5. Fine amount has been paid and the copy of receipt for payment of fine has also been filed.



6. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and by the Appellate Court and they are required to be revised. There is *prima facie* case in favour of the petitioner. The petitioner has preferred this Revision against the order of conviction by reducing the punishment for the period of two months. The alleged cheque amount is Rs.2,00,000/-. No reply is given by the petitioner to the statutory notice given by the complainant. No evidence has been let in before the trial Court by the Revision petitioner herein.

7. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

8. Perusing the impugned judgments and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal revision. They are required to be examined in detail in the main criminal revision. It will take some time for the disposal of this criminal revision. I see *prima facie* case. I am inclined to grant revision bail to the petitioner till 13.12.2016.

9. In view of the foregoing, ordered as under:

- (i) Revision bail granted till 13.12.2016.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended till 13.12.2016.
- (iii) The petitioner is directed to deposit 50% of the cheque amount to the credit of C.C.No.333 of 2014 on the file of the Judicial Magistrate/Fast Track Court at Magisterial Level, Karur, on or before 13.12.2016.
- (iv) There shall be two sureties, and the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand only) each to the satisfaction of the learned Judicial Magistrate/Fast Track Court at Magisterial Level, Karur.
- (v) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

24/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO



2 THE JUDICIAL MAGISTRATE/FAST TRACK COURT AT MAGISTERIAL LEVEL,
KARUR.

3. ஜனநாயகம் -do-thro' THE CHIEF JUDICIAL MAGISTRATE, KARUR.

WEB COPY

+1. C.C. to M/S.S.GOKUL RAJ Advocate SR.No.72300

ORDER IN
CRL MP(MD) No.11571 of 2016
IN
CRL RC(MD) No.797 of 2016
Date :24/11/2016

PBK/SK-SKN/SAR-I 28/11/2016 ::3P-5C: