



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

Monday, the Twentieth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.3426 of 2016

IN

CRL RC(MD) No.262 of 2016

T.JOTHIRAJ

... PETITIONER/PETITIONER.

Vs

T.ASHOK KUMAR

... 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 execution of substantive sentence of imprisonment imposed by the Learned Fast Track Court (Magistrate Level) Karur in C.C. No.463 of 2013 on 22.1.2015 and modified by the learned Fast Track Mahila Court Karur in C.A. No.8 of 2015 on 30.3.2016 by releasing me on bail to satisfaction of Fast Track Court Magistrate Level Karur.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.B.RAJESH SARAVANAN, Advocate for the petitioner, the court made the following order:-

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

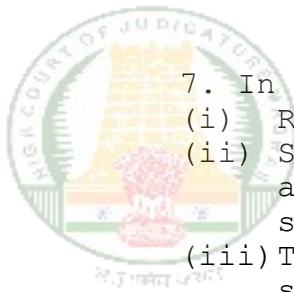
2. The revision petitioner is the accused in a cheque bouncing case in C.C.No.463 of 2013, on the file of the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Karur.

3. The petitioner has been convicted under Section 138 N.I.Act and sentenced to 5 months S.I., and fined Rs.2,000/-, i/d 30 days S.I.

4. The learned Sessions Judge, Fast Track Mahila Court, Karur, allowed the Crl.A.No.8 of 2015 in part; confirmed the conviction and fine and modified the sentence to 3 months S.I.

5. 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 a prima facie case in favour of the petitioner.

6. In the facts and circumstances, 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 be for the disposal of this criminal revision. Further, the petitioner was on bail in the Trial Court. I see prima facie case. I am inclined to grant revision bail to the petitioner.



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

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court and modified by the Appellate Court alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.20,000/- (Rupees twenty thousand only) each to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Karur.
- (iv) 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/-
20/06/2016

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

TO

1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT,
KARUR.

2 DO THRO THE PRINCIPAL SESSIONS JUDGE,
KARUR.

3 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT,
MAGISTERIAL LEVEL, KARUR.

4 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

+1. C.C. to M/S.B.RAJESH SARAVANAN Advocate SR.No.31531.

ORDER
IN
CRL MP(MD) No.3426 of 2016
IN
CRL RC(MD) No.262 of 2016
Date :20/06/2016

AM/AAL.MPA/SAR-I/21.06.2016/2P/6C