



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

Tuesday, the Twenty First day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.3890 of 2016
IN
CRL RC (MD) No.288 of 2016

N. SIVARAMAKRISHNAN

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

S. MANIMARAN

... RESPONDENT/RESPONDENT/
COMPLAINANT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the Additional Sessions Judge, Dindigul in C.A.No. 30 of 2013 confirming the judgment passed by the Judicial Magistrate, Fast Track Court, Palani dated 01.02.2016 pending disposal of the main Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S S.RAMASAMY, Advocate for the petitioner and 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.

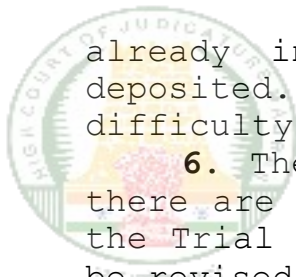
2. The revision petitioner is the accused in a cheque bouncing case in S.T.C.No.17 of 2011, on the file of the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Palani.

3. The petitioner has been convicted under Section 138 N.I.Act and sentenced to 3 months S.I., and he has been directed to pay the cheque amount, namely, Rs.5,00,000/- (in two equal installments) as compensation to the complainant, i/d 1 month S.I.0

4. The learned Additional Sessions Judge, Dindigul, confirmed the conviction and sentence and dismissed the Criminal Appeal No.30 of 2013.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The learned counsel for the petitioner submitted that



already in the Appellate Court itself, Rs.1,25,000/- has been deposited. The petitioner is in financial crunch and with great difficulty he could able to muster a further sum of Rs.50,000/-.

6. The learned counsel for the petitioner also 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.

7. 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 take some time 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.

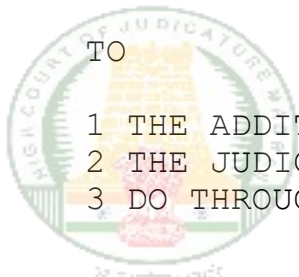
8. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court and confirmed by the Appellate Court alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Palani.
- (iv) There shall be stay of the operation of the order directing payment of compensation under Section 357(3) Cr.P.C
- (v) Within 3 weeks from the date of receipt of a copy of this order, the petitioner/appellant shall deposit Rs.50,000/- to the credit of S.T.C.No.17 of 2011, on the file of learned Judicial Magistrate, Fast Track Court, Magisterial Level, Palani.
- (vi) The said sum of Rs.50,000/- shall be deposited in a Nationalized Bank in Palani initially for a period of one year with renewable clause.
- (vii) The disbursal of the said amount and the accrued interest thereon shall be decided in the main revision.
- (viii) 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/-

21/06/2016

/ TRUE COPY /



TO

- 1 THE ADDITIONAL SESSIONS JUDGE, DINDIGUL.
- 2 THE JUDICIAL MAGISTRATE /FAST TRACK COURT, PALANI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

+1. C.C. to M/S S.RAMASAMY Advocate SR.No.31798

krk

SDR/NGM-MP/SAR-I/22.06.2016 :3P/5C

ORDER

IN

CRL MP (MD) No.3890 of 2016

IN

CRL RC (MD) No.288 of 2016

Date :21/06/2016