



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

Wednesday, the Twenty Second day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.5013 of 2016
IN
CRL RC (MD) No.428 of 2016

K.S. GOPI

... PETITIONER/PETITIONER

Vs

S. MURUGESAN

... 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 of Imprisonment and sentence of compensation imposed by the Learned Principal Sessions Judge Karur in Crl. A No. 18 of 2013 by the Judgment dated 03.11.2015 confirming the judgment passed by the Learned Judicial Magistrate Fast Track Court at Magisterial Level Karur in S.T.C NO. 958 of 2011 by the Judgment dated 17.07.2013 pending disposal of the Criminal Revision.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S D.RAMESHKUMAR, Advocate for the petitioner while admitting the Criminal Revision the court made the following order:-

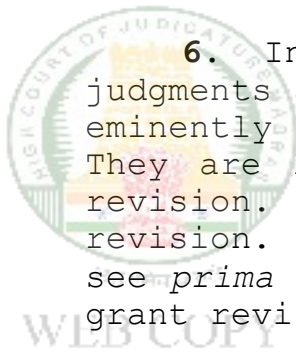
The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is the accused in a cheque bouncing case in S.T.C.No.958 of 2011, 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, sentenced to 5 months S.I., and fined Rs.5,000/-, i/d 30 days S.I..

4. The learned Principal Sessions Judge, Karur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.18 of 2013.

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.



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 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 in favour of the petitioner. 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 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, 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/-

22/06/2016

/ TRUE COPY /

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

KRK
TO

1 THE PRINCIPAL SESSIONS JUDGE, KARUR

2 THE JUDICIAL MAGISTRATE
FAST TRACK COURT (MAGISTERIAL LEVEL) KARUR

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT

+1. C.C. to M/S D.RAMESHKUMAR Advocate SR.No.32081

GJM/SKS/RR/SAR-II-24.6.16-2P-5C

ORDER
IN
CRL MP (MD) No.5013 of 2016
IN
CRL RC (MD) No.428 of 2016
Date :22/06/2016