



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

Thursday, the Twenty Third day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.5030 of 2016
IN
CRL RC (MD) No.430 of 2016

IYYAKUTTY

... PETITIONER/PETITIONER

Vs

VIJAYAKUMAR

... RESPONDENT/RESPNDNET

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 in C.A. No.97 of 2015 by the III Additional District & Sessions Judge, Tirunelveli dated 29.2.2016 confirming the judgement of conviction and sentence made in STC. No.649 of 2013 by the J.M. No.IV, tirunelveli dated 22.7.2015.

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

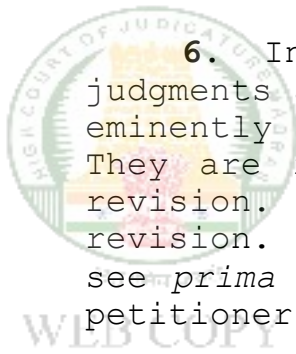
The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is the accused in a cheque bouncing case in S.T.C.No.649 of 2013, on the file of the learned Judicial Magistrate No.IV, Tirunelveli.

3. The petitioner has been convicted under Section 138 N.I.Act and sentenced to 6 months S.I., and directed to pay the cheque amount, namely Rs.1,00,000/- to the complainant as compensation in 3 months.

4. The learned III Additional Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.97 of 2015.

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 *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 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.

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 No.IV, Tirunelveli.

(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/-
23/06/2016

/ TRUE COPY /

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

TO

1. The III Additional Sessions Judge, Tirunelveli.
2. Do Through the Principal Sessions Judge, Tirunelveli
3. The Judicial Magistrate No.IV, Tirunelveli.
4. Do Through the Chief Judicial Magistrate, Tirunelveli District.

+1cc to M/s.M.P.Senthil, Advocate in SR.No.33130

ORDER
IN
CRL MP(MD) No.5030 of 2016
IN
CRL RC(MD) No.430 of 2016
Date :23/06/2016

SDR/DB/SAR II/30.06.2016/2P/6c