



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.5032 of 2016
IN
CRL RC(MD) No.431 of 2016

S.PALANIAPPAN

...REVISION PETITIONER/APPELLANT/
RESPONDENT.

Vs

A.K.THIRUPATHY

...RESPONDENT/RESPONDENT/PETITIONER

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed passed by the Honourable Additional district and Sessions Judge, Pudukkottai in Crl.A. No.21 of 2013 dated 29.3.2016 thereby convicting the revision petitioner to three months Simple imprisonment and imposed fine of Rs.3000/- in default of payment of fine of undergo Simple imprisonment for one month against the order of Honourable District Munsif court, Pudukkottai in STC. No. 208 of 2008 dated 23.4.2013 till the disposal of this appeal.

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

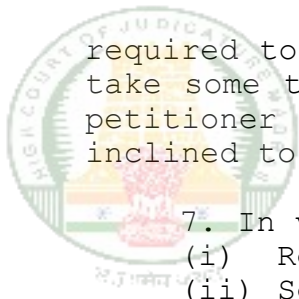
2. The revision petitioner is the accused in a cheque bouncing case in S.T.C.No.208 of 2008, on the file of the learned District Munsif, Pudukkottai.

3. The petitioner has been convicted under Section 138 N.I.Act and sentenced to 1 year S.I., and fined Rs.3,000/-, i/d 3 months S.I.

4. The learned Additional Sessions Judge, Pudukkottai, allowed the Crl.A.No.21 of 2013 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 prima facie case in favour of the petitioner.

<https://hcservices.courts.gov.in/hcservices> 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 modified 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 District Munsif, Pudukkottai.
- (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 ADDITIONAL SESSIONS JUDGE,
PUDUKKOTTAI.

2 DO THRO THE PRINCIPAL
SESSIONS JUDGE,
PUDUKKOTTAI DISTRICT.

3 THE DISTRICT MUNSIF
PUDUKKOTTAI.

+1. C.C. to M/S P.GANAPATHI SUBRAMANIAN Advocate SR.No.32933.

ORDER
IN
CRL MP(MD) No.5032 of 2016
IN
CRL RC(MD) No.431 of 2016
Date :23/06/2016

AM/GSV.PM/SAR-II/24.06.2016/2P/5C