



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5371 of 2016

IN

CRL RC(MD) No.464 of 2016

IYYAKUTTY

..PETITIONER/PETITIONER

Vs.

VIJAYAKUMAR

..RESPONDENT/RESPONDENT

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.95 of 2015 by the III Additional District & Sessions Judge, Tirunelveli dated 29.02.2016 confirming the judgment of conviction and sentence made in STC No.650 of 2013 by the Judicial Magistrate No.IV, Tirunelveli dated 22.07.2015.

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 of M/s.S.PRABHA, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The revision petitioner challenges the legality and propriety of the conviction and sentence recorded by the trial Court as well as the appellate Court.

2.The revision petitioner is the accused in a cheque bouncing case in S.T.C.No.650 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 he was also directed to pay the cheque amount, namely Rs.70,000/- to the complainant as compensation in 6 months.

4.The learned III Additional Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed his Criminal Appeal No.95 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 at 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 above, ordered as under:

(1) Revision bail granted.

(2) Sentence of imprisonment ordered by the Trial Court and confirmed by the Appellate Court alone is suspended.

(3) 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.

(4) 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/-

12/07/2016

/ TRUE COPY /

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

TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.

3 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S M.P. SENTHIL Advocate SR.No.36102

ORDER IN
CRL MP(MD) No.5371 of 2016
IN
CRL RC(MD) No.464 of 2016
Date : 12/07/2016

PBK/NGM-MP/SAR-I 14/07/2016 :: 2P-6C::