



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.7056 of 2016
IN
CRL RC(MD) No.563 of 2016

MATHEW LAWRENCE

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

BARADARAJAN

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and release the petitioner on bail against the judgment passed in C.A.No. 52 of 2013 dated 21.07.2016 on the file of Fast Track Mahila Court, Sivagangai by confirming the judgment in C.C.No. 76 of 2012 dated 20.11.2013 on the file of the Learned Judicial Magistrate (Fast Track) Karaikudi.

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

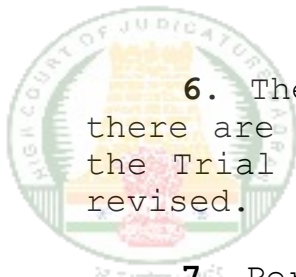
The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The petitioner is the accused in a cheque bouncing case in C.C.No.76 of 2012, on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi.

3. The petitioner has been convicted under Section 138 N.I.Act, and sentenced to 1 Month S.I.

4. The learned Sessions Judge, Fast Track Mahila Court, Sivagangai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.52 of 2013.

5. The learned counsel for the petitioner submitted that the entire amount has been paid even before the Judgment and this has also been remarked in Para 28 of the impugned Trial Court's Judgment. However, this aspect has been overlooked by the learned Appellate Judge. Atleast, the learned Appellate Judge could have considered this at the time of passing sentence.



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 required to be revised.

7. 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 and the special facts of this case, it is ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended.
- (iii) The petitioner shall execute his own bond for Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Karaikudi.
- (iv) The petitioner shall appear before the said Court as and when so ordered by the Court.

sd/-
17/08/2016

/ TRUE COPY /

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

TO

1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, SIVAGANGAI

2 THE JUDICIAL MAGISTRATE, FAST TRACK COURT, KARAIKUDI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

+1. C.C. to M/S.T.SENTHIL KUMAR Advocate SR.No.45094

GJM/SKS.RR.SAR-III-18.8.16-2P-5C

ORDER
IN
CRL MP (MD) No.7056 of 2016
IN
CRL RC (MD) No.563 of 2016
Date :17/08/2016