



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

Monday, the Twenty Second day of August Two Thousand Sixteen
PRESENT

The Hon'ble Dr. Justice P.DEVADASS

CRL MP(MD) No.7248 of 2016

IN

CRL RC(MD) No.573 of 2016

WEB COPY

SR.RAVICHANDRAN

... PETITIONER/PETITIONER

Vs

S.ANTONY JOSEPH

... 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 imposed on me by judgement and sentence dated 17.11.2014 passed in C.C. No.337 of 2013 modified by the judgement dated 25.04.2016 in C.A.No.83 of 2014 by the Hon'ble II Additional District cum Sessions Court, Thoothukudi.

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

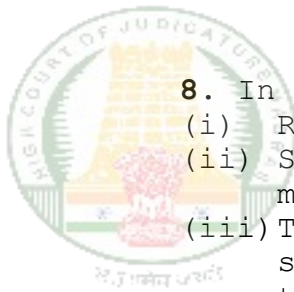
2. The petitioner is the accused in a cheque bouncing case in C.C.No.337 of 2013, on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi.

3. The petitioner has been convicted under Section 138 N.I.Act, and sentenced to 6 Months S.I. + compensation Rs.13,00,000/- to be paid within one month, i/d 1 Month S.I.

4. The learned II Additional Sessions Judge, Thoothukudi, allowed the C.A.No.83 of 2014 in part; confirmed the conviction and modified the sentence to 4 Months S.I. + balance compensation Rs.3,00,000/- to be paid within 25.06.2016, i/d 1 Month S.I.

5. 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.

6. 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, 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.20,000/- (Rupees twenty thousand only) each to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi.
- (iv) Within 3 Weeks from the date of receipt of a copy of this Order, the revision petitioner shall deposit Rs.75,000/- (Rupees seventy five thousand only) to the credit of C.C.No.337 of 2013, on the file of learned Judicial Magistrate (Fast Track Court), Thoothukudi.
- (v) A copy of the payment challan shall be filed in the Registry with a memo.
- (vi) The learned Magistrate shall deposit the said amount in a Nationalized Bank.
- (vii) The disbursal of the principal amount and the accrued interest is based on the outcome of the decision to be taken in this revision.
- (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/-
22/08/2016

/ TRUE COPY /

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

TO

- 1 THE II ADDITIONAL SESSIONS JUDGE, THOOTHUKUDI.
 - 2 DO-THRO'THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI.
 - 3 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, THOOTHUKUDI.
 - 4 DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- Copy to
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S.G.PRABHU RAJADURAI Advocate SR.No.46461

ORDER
IN
CRL MP (MD) No.7248 of 2016
IN
CRL RC (MD) No.573 of 2016
Date : 22/08/2016