



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.7271 of 2016  
IN  
CRL OP (MD) No.574 of 2016

S.NALLAPERUMAL

... PETITIONER

Vs

1 S.KRISHNAMOORTHY

2 THE PUBLIC PROSECTUOR  
NAGERCOIL,  
KANYAKUMARI DISTRICT.

... RESPONDENTS

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 the petitioner submits that petitioner and enlarge him on bail on the sentence imposed by judgement made in C.A. No.8/2013 dated 29.4.2016 on the file of Principal District and Sessions Court Kanyakumari District at Nagercoil confirming the judgement made in C.C. No.27/2012 on the file of the Learned Judicial Magistrate, Fast Track Court, (Magistrate level) No.II, Nagercoil dated 26.12.2012 in the interest.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.MUTHURSARAVANAN, Advocate for the petitioner and of M/S.P.KANDASAMY, Government Advocate (Crl.Side), on behalf of the Respondents, 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.

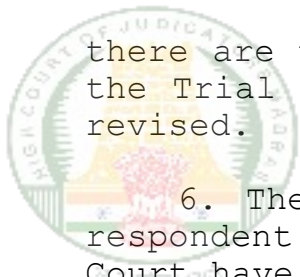
2. The petitioner is the accused in a cheque bouncing case in C.C.No.27 of 2012, on the file of the learned Judicial Magistrate No.II, Fast Track Court, Nagercoil.

3. The petitioner has been convicted under Section 138 N.I.Act, and sentenced to 3 Months R.I. + compensation Rs.5,00,000/- (cheque amount).

4. The learned Sessions Judge, Kanyakumari District @ Nagercoil, confirmed the conviction and sentence and dismissed the Criminal Appeal No.8 of 2013.

<https://hcservices.ecourts.gov.in/hcservices/>

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. The learned Government Advocate (Criminal Side) for the 2<sup>nd</sup> respondent submitted that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioner and directed him to pay compensation.

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, 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) There shall be two sureties, they and the petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, Fast Track Court, Nagercoil.
- (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

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

TO

- 1 THE SESSIONS JUDGE, KANYAKUMARI DISTRICT @ NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE NO.II, FAST TRACK COURT, NAGERCOIL.
- 3 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT @ NAGERCOIL.
- 4 THE PUBLIC PROSECTUOR, NAGERCOIL, KANYAKUMARI DISTRICT.
- 5 THE GOVERNMENT ADOVCATE, (CRIMINAL SIDE),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.C.MUTHURSARAVANAN Advocate SR.No.46116

ORDER IN

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IN

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Date : 22/08/2016