



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.7386 of 2016
IN
CRL RC(MD) No.579 of 2016

R. JEYAPPAUL ... PETITIONER/PETITIONER

Vs

S. ALWARSAMY ... 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 by the Learned II Additional Sessions Judge, Thoothukudi in Crl.A. No. 13 of 2013 dated 24.07.2013 pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MUTHAL RAJ, Advocate for the petitioner and Mr.P.Subbaraj, Advocate for the Respondent 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.

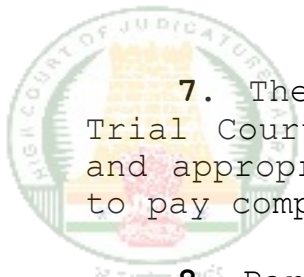
2. The petitioner is the accused in a cheque bouncing case in C.C.No.224 of 2012, on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Kovilpatti.

3. The petitioner has been convicted under Section 138 N.I.Act, and sentenced to 1 Year R.I. + compensation Rs.3,00,000/-, i/d 3 Months S.I.

4. The learned II Additional Sessions Judge, Thoothukudi, confirmed the conviction and sentence and dismissed the Criminal Appeal No.13 of 2013.

5. The learned counsel for the petitioner submitted that the petitioner has deposited Rs.75,000/- towards part of compensation before the Trial Court.

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. The learned counsel for the 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.

8. 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.

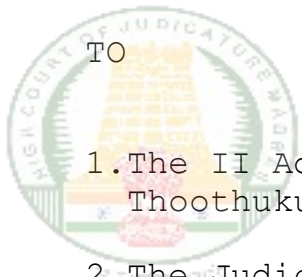
9. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended.
- (iii) The petitioner shall execute his own bond for for Rs.15,000/- (Rupees twenty thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Kovilpatti.
- (iv) Within 1 Week from the date of receipt of a copy of this Order, the revision petitioner shall deposit Rs.25,000/- (Rupees twenty five thousand only) to the credit of C.C.No.224 of 2012, on the file of learned Judicial Magistrate (Fast Track Court), Kovilpatti, within one week of receipt of a copy of this Order.
- (v) A copy of the payment challan shall be filed in the Registry with a memo.
- (vi) The learned Magistrate shall deposit the entire 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/-
24/08/2016

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



TO

1.The II Additional Sessions Judge,
Thoothukudi.

2.The Judicial Magistrate,
Fast Track Court, (Magisterial Level),
Kovilpatti.

3 The Judicial Magistrate No.I, Kovilpatti

4 The Section officer,
Criminal Section, Madurai Bench of Madras High court,
Madurai

+1. C.C. to M/S.S.MUTHAL RAJ Advocate SR.No.47562

ORDER

IN

CRL MP (MD) No.7386 of 2016

IN

CRL RC (MD) No.579 of 2016

Date :24/08/2016

SMA/GSV-PM/SAR-I/29/08/2016 :3P/6C