



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.8102 of 2016
IN
CRL RC (MD) No.622 of 2016

S.K.APPAL RAJA

... PETITIONER/PETITIONER

Vs

S.S.RAJAGOPAL

... 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 passed in judgement dated 6.7.2016 made in C.A. No.139 of 2014 on the file of the Honourable Principal Sessions Judge, Virudhunagar District at Srivilliputhur and convicted the petitioner to undergo one year simple imprisonment and to pay a sum of Rs.5000/- as fine and in default to undergo three month simple Imprisonment pending disposal of the above Criminal Revision petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.SASI KUMAR, Advocate for the petitioner and of the court made the following order:-

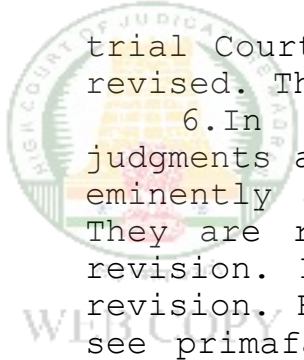
The revision petitioner challenges the legality and propriety of the conviction and sentence recorded by the trial Court as well as the appellate Court.

2.The revision petitioner is the accused in a cheque bouncing case in S.T.C.No.863 of 2011, on the file of the learned Judicial Magistrate, Rajapalayam.

3.The petitioner has been convicted under Section 138 N.I. Act and sentenced to one year S.I., and fined Rs.5,000/- with default sentence.

4.The learned Principal Sessions Judge, Virudhunagar District at Srivilliputtur confirmed the conviction and sentence and dismissed his Criminal Appeal No.139 of 2014.

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.

7. 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, Rajapalayam.

(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/-

01/09/2016

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

TO

1. The Principal Sessions Judge,
Virudhunagar District @ Srivilliputtur.

2. The Judicial Magistrate, Rajapalayam.

3. Do Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

+1. C.C. to M/S.A.MOHAN, Advocate SR.No.49153

ORDER

IN

CRL MP (MD) No.8102 of 2016

IN

CRL RC (MD) No.622 of 2016

Date : 01/09/2016

PS

CSL/KP/SAR-I/06.09.2016: 2P/5C

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