



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

Wednesday, the Seventh day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.9443 of 2016

IN

CRL RC (MD) No.675 of 2016

ANAND @ ANANDAN

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

SIVABAKKIYAM

... 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 in Judgement passed by the learned 1st Additional District Judge, (PCR) Trichy dated 08.09.2016 in CA No.83 of 2015 by confirming the judgement dated 15.10.2015 in STC No.2030 of 2014 on the file of the Learned Judicial Magistrate at Musiri.

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 and Respondent not appearing either in person or by an advocate, the court made the following order:-

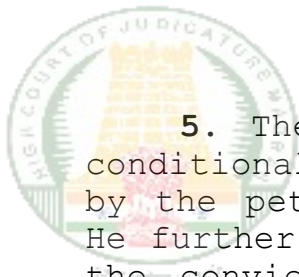
The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is the sole accused in S.T.C.No.2030 of 2014 on the file of the learned Judicial Magistrate, Musiri.

3. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 138 r/w 142 of Negotiable Instruments Act	Rigorous Imprisonment for six months and to pay a sum of Rs.30,000/- as compensation to the complainant.

4. The learned Additional District Judge (PCR) Trichy, dismissed the appeal in C.A.No.83 of 2014, vide judgment dated 08.09.2016, by confirming the conviction and sentence imposed by the trial Court.



5. The learned counsel for the petitioner submitted that the conditional order of this Court, dated 22.11.2016, was complied with by the petitioner and a memo has also been filed to that effect. He further 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. The learned Government Advocate (Criminal Side) submitted that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioner. There is no *prima facie* case in his favour.

7. The memo filed by the learned counsel of the petitioner, dated 07.12.2016, is taken on record.

8. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

9. 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. I see *prima facie* case. I am inclined to grant revision bail to the petitioner till the disposal of this revision.

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

(i) Revision bail is granted till the disposal of this revision.

(ii) Substantive Sentence of imprisonment ordered by the Trial Court alone is suspended.

(iii) There shall be two sureties and the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten thousand only) each to the satisfaction of the learned Judicial Magistrate, Musiri.

(iv) The petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
07/12/2016

/ TRUE COPY /



TO

1 THE 1ST ADDITIONAL DISTRICT JUDGE (PCR) TRICHY

2

THE JUDICIAL MAGISTRATE, MUSIRI

3 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

ORDER

IN

CRL MP (MD) No.9443 of 2016

IN

CRL RC (MD) No.675 of 2016

Date :07/12/2016

SMA/CK/SAR-1/08.12.2016:3P/4C