



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

Wednesday, the Ninth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.9462 of 2016
IN
CRL RC (MD) No.666 of 2016

BANUMATHI

... PETITIONER/APPELLANT/RESPONDENT

Vs

GOVINDARAM

... 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 imposed on petitioner by dismissing Appeal by IInd Additional District Judge, Tiruchirapalli, in C.A.No.141 of 2014, dated 16.08.2016, confirming the conviction and sentence passed by the Judicial Magistrate No.1, Tiruchirapalli, in C.C.No.289 of 2009 dated 24.09.2014, pending disposal of the above criminal revision on the file of this Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.HAJA MOHIDEEN, Advocate for the petitioner and that the Respondent not appeared in either person or by an Advocate ,the court made the following order:-

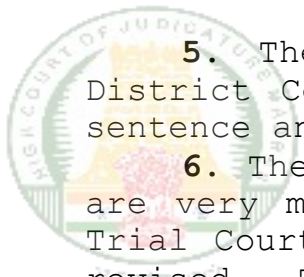
The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. Heard the learned counsel for the petitioner and perused the records. Though the Court notice was served upon the respondent, there is no representation on the side of the respondent.

3. The revision petitioner is an accused in C.C.No.289 of 2009, on the file of the learned Judicial Magistrate No.1, Tiruchirappalli.

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

Conviction	Sentence
Section 138 of Negotiable Instrument Act	1 Month R.I., and compensation of Rs.5,00,000/- in default, 1 month S.I.



5. The Learned Sessions Judge, Mahila Court, II Additional District Court (FAC), Tiruchirappalli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.141 of 2014.

6. 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. He has further submitted that the petitioner has prepared to deposit a sum of Rs.1,50,000/- without prejudice to the contentions raised in this Revision.

7. It is admitted that no reply was given by the petitioner to the statutory notice given by the respondent/complainant in respect of the claim of the amount. It is also admitted that no evidence was adduced before the Trial Court by the respondent, regarding the arguments put forth in this Revision.

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.

10. 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 is directed to deposit Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of C.C.No.289 of 2009 on the file of the Judicial Magistrate No.1 Court, Tiruchirappalli, within three weeks from the date of receipt of a copy of this order.
- (iv) There shall be two sureties, 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.1, Tiruchirappalli.
- (v) 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/-
09/11/2016

/ TRUE COPY /



TO

1 THE II ADDITIONAL DISTRICT
JUDGE, TIRUCHIRAPPALLI

2 THE JUDICIAL MAGISTRATE NO.I
TIRUCHIRAPPALLI

+1cc to Mr.A.HAJA MOHIDEEN Advocate Sr.No. 67169

JAM/14.11.16/DB/SAR I/3p-4c

ORDER

IN

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IN

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Date :09/11/2016