



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

Monday, the Sixth day of November Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.10027 of 2017
IN
CRL RC(MD) No.811 of 2017

BALADHANDAPANDI

... PETITIONER/PETITIONER

Vs

S.PALANISAMY

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed in CA.No.50/2016 by the Additional District and Sessions Judge, Palani dated 16.08.2017 by confirming the judgment and conviction made in STC.NO.152/2013 by the Fast Track Court (Magisterial Level), Palani dated 10.11.2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.P.SENTHIL, Advocate for the petitioner and of the respondent not appeared either in person or by an advocate while admitting CRL RC the court made the following order:-

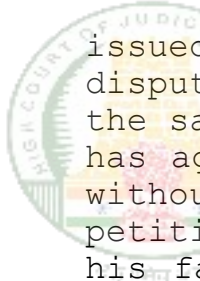
The petitioner / sole accused in S.T.C.No.152 of 2013 on the file of the learned Fast Track Court (Magistrate Level), dated 10.11.2016 while challenging his conviction and sentence, seeks revision bail under Section 397(1) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 138 of N.I.Act	6 months S.I.

3.The petitioner preferred the revision against the order of dismissal passed by the learned Additional District & Sessions Judge, Palani, confirming the judgment of the Trial Court.

4.The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that the disputed cheque is given as security to one Soundarya for the loan availed by the petitioner's sister namely Sanyas Rami and there is no enforceable debt against the petitioner from the respondent. On the perusal of the judgment passed by the Trial Court as well as the Appellate Court, the petitioner has not



issued any reply notice and there is no evidence in respect of disputed cheque, which is given as security for the loan obtained by the said Soundarya. However, the learned counsel for the petitioner has agreed to deposit a sum of Rs.1,00,000/- before the Trial Court without prejudice to his contention in this case. Therefore, the petitioner is having prima facie case and having arguable points in his favour and seeks suspension of sentence during the pendency of the revision.

5. In the facts and circumstances, perusing the impugned Judgment 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. On considerations, this petition is ordered as under:

- (i) Revision bail is granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Fast Track Court (Magistrate Level), Palani.
- (iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.
- (iv) The petitioner is directed to deposit a sum of Rs.1,00,000/- before the learned Fast Track Court (Magistrate Level), Palani.

sd/-
06/11/2017

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PALANI.
 - 2 THE JUDGE,
FAST TRACK COURT (MAGISTRATE LEVEL), PALANI.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- +1. C.C. to M/S.M.P.SENTHIL Advocate SR.No.33857

ORDER
IN
CRL MP(MD) No.10027 of 2017
IN
CRL RC(MD) No.811 of 2017
Date :06/11/2017