



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

Thursday, the Sixteenth day of November Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.10129 of 2017  
IN  
CRL RC(MD) No.820 of 2017

DR.V.RAMPRAKASH

... PETITIONER/PETITIONER

Vs

MEIYYAPPAN

... 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 in S.T.C.No.342 of 2008 dated 12.08.2015 passed by learned Judicial Magistrate, Pudukkottai and confirmed in Criminal Appeal No.79 of 2015 dated 10.08.2017 by the learned Principal District Sessions Judge, Pudukkottai and enlarge the petitioner on bail pending disposal of main Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.J.ANANDKUMAR, 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 challenge the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

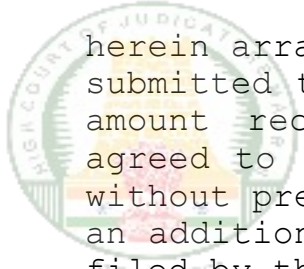
2.The revision petitioner is the accused in S.T.C.No.342 of 2008, on the file of the Judicial Magistrate, Pudukkottai.

3.The learned Principal District and Sessions Judge, Pudukkottai, confirming the conviction and sentence passed by the learned Judicial Magistrate, Pudukkottai in S.T.C.No.342 of 2008 and dismissed the Criminal Appeal in C.A.No.79 of 2015.

4.The revision petitioner preferred this revision against the order of the Appellate Court, confirming the conviction of judgment of the Trial Court. The Trial Court had convicted the accused as under: -

| Conviction             | Sentence                      |
|------------------------|-------------------------------|
| Section 138 of N.I.Act | 6 months simple imprisonment. |

5.The learned counsel appearing for the revision petitioner submitted that, the petitioner was declared as an insolvent in I.P.No.93 of 2007 by this Court on 27.09.2007 and the respondent



herein arrayed as 13<sup>th</sup> respondent in the said proceedings. He further submitted that the present cheque given for security of the earlier amount received from the respondent herein. The petitioner has agreed to deposit 25% of the cheque amount to show his *bona fide*, without prejudice his contention in this revision. He has also filed an additional set of documents in respect of the insolvency petition filed by the petitioner herein.

6. The learned counsel for the petitioner 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.

7. I have anxiously considered the submissions, perused the averments in the suspension of sentence petition and the impugned Judgment.

8. Considering the facts and circumstances of the case and considering the fact that the petitioner has agreed to deposit a sum of Rs.75000/- to the credit of S.T.C.No..342 of 2008, before the learned Judicial Magistrate, Pudukkottai without prejudice his contention in this revision and also on perusal of the Judgement of Courts below, I am of the view that there are 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.

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

- (i) Revision bail granted on condition that the petitioner has to deposit a sum of Rs.75,000/- to the credit of S.T.C.No.342 of 2008 before the learned Judicial Magistrate, Pudukkottai without prejudice his contention in this revision.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended.
- (iii) 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, Pudukkottai.
- (iv) The petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

16/11/2017

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



TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI.

2 THE JUDICIAL MAGISTRATE, PUDUKKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKKOTTAI DISTRICT.

+1. C.C. to M/S.J.ANANDKUMAR Advocate SR.No.34530

ORDER

IN

CRL MP (MD) No.10129 of 2017

IN

CRL RC (MD) No.820 of 2017

Date :16/11/2017

MKV-PM-PN-SAR 2/17.11.2017/3P-5C