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

Friday, the Tenth day of November Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.10248 of 2017
IN
CRL RC(MD) No.829 of 2017

G.MANIVEL ... PETITIONER/PETITIONER

Vs

S.PALANIVEL ... 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 in judgement dated 14.06.2016 made in C.A No. 33/2016 on the file of the Fast Track Mahila Court, Karur dated 14.06.2016 modifying the sentence passed in C.C No. 625/2014 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur dated 06.04.2016 pending disposal of the 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.S.GOKUL RAJ, Advocate for the petitioner while admitting CRL RC the court made the following order:-

The petitioner / accused in C.C.No.625 of 2014 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, dated 06.04.2016 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	4 months S.I.

3.The petitioner preferred an appeal against the conviction and judgment of the Trial Court before learned Sessions Court, Karur and the same was modified, by reducing the sentence to undergo 3 months S.I. Against that order of Appellate Court, the petitioner has preferred the present revision before this 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 statutory notice given by the respondent in respect of the dishonorable cheque was not served upon the petitioner herein and the Trial Court has not given sufficient time to cross-examine

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the P.W.1 and P.W.2 by the petitioner herein. Therefore, the petitioner is having prima facie case and having arguable points in his favour.

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 Judicial Magistrate, Fast Track Court at Magistrate Level, Karur.

(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.

sd/-
10/11/2017

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

TO

1 THE JUDGE,
FAST TRACK MAHILA COURT, KARUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT AT MAGISTERIAL LEVEL, KARUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

+1. C.C. to M/S.S.GOKUL RAJ Advocate SR.No.34254

ORDER
IN
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IN
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Date :10/11/2017

MKV-PM-PN-SAR 3/10.11.2017/2P-5C

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