



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

Thursday, the Twenty Third day of November Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.10670 of 2017

IN

CRL RC(MD) No.869 of 2017

T.VISWANATHAN

... PETITIONER/APPELLANT/ACCUSED

Vs

R.GOBINATHAN

... 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 in the Judgment in Criminal Appeal No.101 of 2016 dated 21.09.2017 on the file of the V Additional District and Session Judge, Madurai in confirming the Judgment made in STC No.186 of 2012 dated 26.05.2016 on the file of the Fast Track Court No.II (Magistrate Level), Madurai pending disposal of the Criminal Revision Petition on the file fo this Honourable Court and thus render justice.

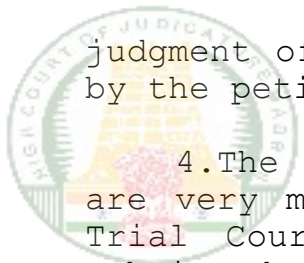
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.RENGASAMY, Advocate for the petitioner, the court made the following order:-

The petitioner / sole accused in S.T.C.No.186 of 2012 on the file of the learned Fast Track Court No.I (Magistrate Level), Madurai, while challenging his conviction and sentence dated 26.05.2016, 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 r/w 142 of N.I.Act	1 year S.I. & compensation of Rs.1,60,000/-

3.The petitioner preferred an appeal before the learned V Additional District & Sessions Judge, Madurai against the judgment of the trial Court, and the Appellate Court has modified the sentence directing the petitioner / appellant to undergo imprisonment till the raising of the Court and the petitioner / appellant is directed to pay a compensation of Rs.1,60,000/- i/d to undergo simple imprisonment for 3 months. Against the order of the



judgment of the Appellate Court, the present revision has preferred by the petitioner herein.

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 cheques belong to the petitioner herein and the amount of Rs.1,60,000/- was received on different dates by producing cheques. It was admitted in the evidence of DW1, the de facto complainant has received a sum of Rs.50,000/- as part payment and the balance amount has to be paid to him. He would further submitted that the Trial Court as well as the Appellate Court did not consider the Ex.D3. However, the learned counsel for the petitioner voluntarily undertakes to deposit a sum of Rs.55,000/- to the credit of S.T.C.No.186 of 2012 before the Fast Track Court No.I (Magistrate Level), Madurai to show his bona fide and also without prejudice to the contention raised in this revision. 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 No.I (Magistrate Level), Madurai.
- (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 payment of compensation is stayed on condition that the petitioner is directed to deposit a sum of Rs.55,000/- to the credit of S.T.C.No.186 of 2012 before Fast Track Court, No.I (Magistrate Level), Madurai within a period of 3 weeks from the date of receipt of copy of the order failing which, the order of suspension stands automatically cancelled, without any notice.

sd/-
23/11/2017

/ TRUE COPY /

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



TO

1 THE JUDGE, FAST TRACK COURT NO.1,
(MAGISTRATE LEVEL), MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

ORDER

IN

CRL MP (MD) No.10670 of 2017

IN

CRL RC (MD) No.869 of 2017

Date :23/11/2017

PK/RR/SAR-1/30.11.2017 : 3P/4C