



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

Thursday, the Thirtieth day of November Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.10930 of 2017
IN
CRL RC(MD) No.894 of 2017

M.SELLAMPILLAI

... PETITIONER/PETITIONER

Vs

R.RAJU

... 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 conviction and sentence imposed against the petitioner in C.A.No.123 of 2017 dated 23.10.2017 on the file of the Learned Additional Sessions Court, Karur, by confirming the sentence passed by the Learned Judicial Magistrate/Fast Track Court at Magisterial Level, Karur in C.C.No.489 of 2014, dated 18.07.2017 and enlarge the petitioner on bail in pending disposal of the above Criminal Revision Petition and thus render justice.

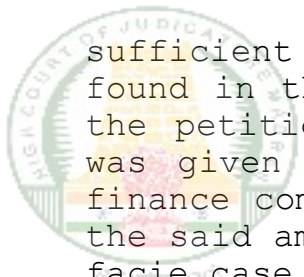
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.MATHIYALAGAN, Advocate for the petitioner and of the respondent not appeared either in person or by an advocate while admitting CRL RC the court made the following order:-

The petitioner challenges 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 C.C.No.489 of 2014 on the file of the Judicial Magistrate / Fast Track Court at Magisterial Level, Karur. The petitioner was convicted and sentenced to undergo 4 months S.I. and to pay a fine of Rs.2,000/- in default to undergo 30 days S.I.

3.The learned Additional Sessions Court, Karur confirmed the conviction and sentence and dismissed the Criminal Appeal in C.A.No.123 of 2017. As against the order of dismissal, the present Criminal Revision Case is filed.

4.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. He also submitted that the respondent is not having any



sufficient funds to grant loan to the petitioner and the signature found in the pronote and also in the disputed cheque are denied by the petitioner herein. He further contended that the said cheque was given as security for the loan of Rs.1 lakh obtained from a finance company, in which, the respondent is one of the partner and the said amount was repaid by the petitioner herein. There is prima facie case in favour of the petitioner.

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5.It is admitted that there is no document to show that the respondent is one of the partner in the finance company and the disputed cheque was given without any signature as security to the finance company. However, the learned counsel for the petitioner voluntarily agreed to deposit 50% of the cheque amount ie., Rs.2 lakhs to the credit of C.C.No.489 of 2014 on the file of the Judicial Magistrate / Fast Track Court at Magisterial Level, Karur without prejudice to his contention raised in this Criminal Revision.

6.I have anxiously considered the submissions, perused the averments in the bail petition, impugned Judgment.

7.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.

8. 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) 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 / Fast Track Court at Magisterial Level, Karur.
- (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.
- (v) The petitioner shall deposit a sum of Rs.2 lakhs (Rupees two lakhs only) in C.C.No.489 of 2014 on the file of the Judicial Magistrate / Fast Track Court at Magisterial Level, Karur without prejudice to his contention in this case.

sd/-

30/11/2017

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TO

1 THE ADDITIONAL SESSIONS JUDGE,
KARUR.

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

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

+1. C.C. to M/S.R.MATHIYALAGAN Advocate SR.No.35606

ORDER

IN

CRL MP (MD) No.10930 of 2017

IN

CRL RC (MD) No.894 of 2017

Date :30/11/2017

MKV-CM-VR-SAR 3/5.12.2017/3P-5C