



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

Thursday, the Seventh day of December Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.11121 of 2017

IN

CRL RC(MD) No.908 of 2017

T.RAMESH KUMAR

... PETITIONER/RESPONDENT/
ACCUSED

Vs

R.SAKTHIVEL

... RESPONDENT/APPELLANT/
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 the Judgment in Crl.A.No.27 of 2017 on the file of the Additional District and Sessions Court, Palani, Dindigul District dated 11.10.2017 in S.T.C.No.15 of 2013 before the Fast Track Court (Judicial Magistrate Level), Palani, Dindigul District dated 22.05.2013 u/s.138 of the N.I.Act till the disposal of the instant Criminal Revision Petition and thus render justice.

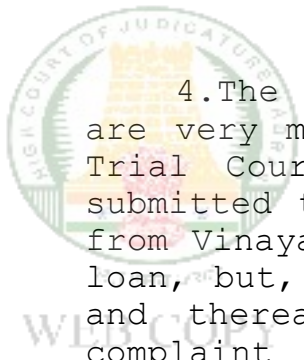
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.LAJAPATHI ROY, Advocate for the petitioner and of the Respondent not appeared in person or by an Advocate, the court made the following order:-

The petitioner / sole accused in S.T.C.No.15 of 2013 on the file of the learned Fast Track Court (Judicial Magistrate Level) Palani was acquitted by judgment dated 22.05.2013.

2. As against the judgment of acquittal an appeal in C.A.No.27 of 2017 was filed and the Appellate Court by judgment, dated 11.10.2017 convicted the petitioner as under:

Conviction	Sentence
Section 138 of N.I.Act	3 months S.I. + compensation of Rs.3,00,000/-

3.The present Criminal Revision is preferred against the judgment of conviction passed by the Appellate Court in C.A.No.27 of 2017, dated 11.10.2017. The disputed cheque and also the signature found in the cheque were admitted 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 cheque was given as security for obtaining loan from Vinayaga Finance Company and thereafter he has repaid the said loan, but, the cheque was not returned by the said finance company and thereafter, one of the partner namely, Arumugam lodged a complaint before the Palani Town Police stating that one of the partner namely, Manikandan has stolen the cheque in question and other documents. He also submitted that the petitioner has not borrowed any amount from the respondent herein and he has not issued the disputed cheque for the said loan amount. It is also admitted by the learned counsel for the petitioner that the respondent has not chosen to prove the fact that the disputed cheque was given as security for obtaining loan from the said finance company and also the theft of the disputed cheque by the said Manikandan, against whom the FIR was registered by the Palani Town Police Station based on the complaint 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 (Judicial Magistrate Level), Palani, Dindigul District.
- (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 50% of the cheque amount to the credit of S.T.C.No.15 of 2013 before the learned Fast Track Court (Judicial Magistrate Level), Palani.

sd/-
07/12/2017

/ 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, DINDIGUL DISTRICT.

2 THE FAST TRACK COURT
(JUDICIAL MAGISTRATE LEVEL), PALANI

+1. C.C. to M/S.T.LAJAPATHI ROY Advocate SR.No.35943

ORDER

IN

CRL MP (MD) No.11121 of 2017

IN

CRL RC (MD) No.908 of 2017

Date :07/12/2017

PK/CM-VR/SAR-2/11.12.2017 : 3P/4C