



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

Wednesday, the Twenty Sixth day of April Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.3631 of 2017
IN
CRL RC(MD) No.378 of 2017

VINORA

... PETITIONER / PEETITIONER

Vs

D. SURESH

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon him in C.C.No.491/2013 on the file of the Learned Judicial Magistrate/Fast Track Court (Magisterial Level) Thoothukudi, Thoothukudi District, dated 01/09/2016, which had been confirmed by Judgement dated 13/04/2017 passed Crl.A.No.41/2016 on the file of the Learned II Additional Sessions Judge, Thoothukudi & Dt pending disposal of the main Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.THIRUVADI KUMAR, Advocate for the petitioner and 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. Heard the learned counsel for the petitioner and perused the records.

3. The Revision petitioner is an accused in C.C.No.491 of 2013, on the file of the learned Judicial Magistrate(Magisterial Level), Fast Track Court, Thoothukudi.

4. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 138 of Negotiable Instrument Act	One year S.I., and compensation of Rs.2,40,000/- in cheque amount to the complainant within one month time, in default, 1 month S.I.

<https://hcservices.courts.gov.in/hcservices/>

5. The Learned II Additional Sessions Judge, Thoothukudi, confirmed the conviction and sentence and dismissed the Criminal

Appeal No.41 of 2016.

6. The learned counsel for the petitioner submitted that the petitioner was working as a Teacher in a school at Thoothukudi District and he would loose his job in the event of arrest and custody because of the impugned Judgment of the Appellate Court. Further, the learned counsel for the petitioner voluntarily undertakes to deposit 50% of the compensation amount ordered by the trial Court to the credit of C.C.No. 491 of 2013, on the file of the learned Judicial Magistrate(Magisterial Level), Fast Track Court, Thoothukudi, without prejudice to the contentions of the petitioner in the Revision. It is further stated that the petitioner is ready to settle the dispute by giving cheque amount during the pendency of the Revision. It is further stated that the respondent misused the cheque given by the petitioner.

7. Further, it is admitted that no reply was given to the statutory notice given by the respondent/complainant in this case. It is also admitted that no rebuttal evidence was adduced before the Trial Court by the respondent. 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.

8. I have anxiously considered the submissions, perused the averments in the bail petition, impugned Judgment and the relevant materials on record.

9. Considering the facts and circumstances of the case and also, the status of the petitioner working as a Teacher in a school and also the grounds raised in the Revision, 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.

10. 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) The petitioner is directed to deposit Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the credit of C.C.No.491 of 2013 on the file of the Judicial Magistrate(Magisterial Level), Fast Track Court, Thoothukudi District, at the time of surrender before the concerned Court and stayed order of payment of compensation.
- (iv) There shall be two sureties, and the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand only) each to the satisfaction of the learned Judicial Magistrate(Magisterial



Level), Fast Track Court, Thoothukudi District.
(v) 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/-
26/04/2017

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE
(MAGISTRERIAL LEVEL), FAST TRACK COURT,
THOOTHUKUDI DISTRICT
- 2 THE II ADDITIONAL SESSIONS JUDGE,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

+1. C.C. to Mr.A.THIRUVADI KUMR Advocate SR.No.21192

JAM/28.04.17/CM-MSA/SAR 4 3P-4C

ORDER
IN
CRL MP(MD) No.3631 of 2017
IN
CRL RC(MD) No.378 of 2017
Date :26/04/2017