



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

Thursday, the Twenty Seventh day of April Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.3695 of 2017
IN
CRL RC (MD) No.382 of 2017

A. RAJENDRAN ... PETITIONER/REVISION PETITIONER

Vs

S. MUTHUSAMY ... RESPONDENT/REVISION 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 pursuant to the judgment of conviction render by the Sessions Judge, Sivagangai in C.A.No.46/2013 dated 08/03/2017 by confirming the judgment passed by the Learned Judicial Magistrate No.I, Sivagangai in C.C.No.25/2009 dated 30/10/2013 pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.J.JEYAKUMARAN, Advocate for the petitioner, while admitting the 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.

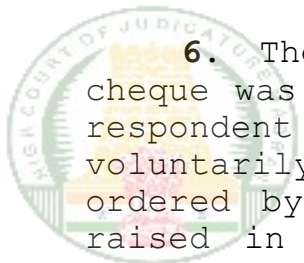
2. Heard the learned counsel for the petitioner and perused the records.

3. The Revision petitioner is an accused in C.C.No.25 of 2009, on the file of the learned Judicial Magistrate No.1, Sivagangai.

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

Conviction	Sentence
Section 138 of Negotiable Instrument Act	Six months S.I., and compensation of Rs.66,583/- to the complainant under Section 357(3) of Cr.P.C., within one month, in default, 2 months S.I.

5. The Learned Sessions Judge, Sivganganai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.46 of 2013.



6. The learned counsel for the petitioner states that the cheque was issued on the force made by the police in favour of the respondent herein. However, the learned counsel for the petitioner voluntarily undertakes to deposit 50% of the compensation amount ordered by the trial Court, without prejudice to the contentions raised in this Revision. Further, 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. There is *prima facie* case in favour of the petitioner.

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

8. Considering the facts and circumstances of the case 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.

9. 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 50% of the compensation amount ordered by the trial Court to the credit of C.C.No.25 of 2009 on the file of the learned Judicial Magistrate No.1, Sivagangai, at the time of surrender before the concerned Court and also Stay is also ordered in respect of the payment of compensation amount.
- (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 No.1, Sivagangai.
- (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/-
27/04/2017

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



TO

1 THE SESSIONS JUDGE, SIVAGANGAI.

2 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

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+1. C.C. to M/S.J.JEYAKUMARAN Advocate SR.No.21262

pmu

CSL/CM-MSA/SAR-IV/28.04.2017 : 3P/5C

ORDER

IN

CRL MP (MD) No.3695 of 2017

IN

CRL RC (MD) No.382 of 2017

Date :27/04/2017