



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

Thursday, the Twenty Ninth day of June Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.5517 of 2017
IN
CRL RC (MD) No.497 of 2017

P.PARANJOTHI

... PETITIONER/PETITIONER

Vs

V.BALAKRISHNAN

... RESPONDENT/RESPONDENT

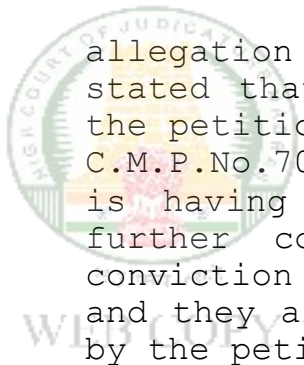
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence in judgement in C.A.No.73/2016 the file of the Mahila Court, Karur dated 23/11/2016 confirming the judgement and sentence passed in C.C.No.527/2014 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level Karur dated 19/10/2016 pending disposal of the Crl.R.C.

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

The petitioner challenged the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The learned counsel appearing for the petitioner is present and states that the present revision is filed against the order of dismissal passed in Crl.A.No.73 of 2016, dated 23.11.2016, by the learned Judge, Mahila Court, Madurai, confirming the conviction Judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, passed in C.C.No.527 of 2014 dated 19.10.2016, convicting the petitioner / A1 to undergo 6 months Simple Imprisonment and to pay a fine amount of Rs.3,000/- in default to undergo one month Simple Imprisonment, for the offence under Section 138 of Negotiable Instruments Act

3. The counsel for the petitioner states that the A1 and A2 are jointly and severally liable for the alleged transaction as per the stand taken by the respondent / complainant in this case and thereafter, the respondent has withdrawn the complaint under Section 257 of Cr.P.C against the accused No.2 in this case and hence,



allegation against A1 is lost its creditability. It is further stated that the appellate Court had arrived wrong conclusion that the petitioner herein has not challenged the order of Lower Court in C.M.P.No.702 of 2014. He further states that the the petitioner is having *prima facie* case in this revision for acquittal. He further contended 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. Fine amount was already paid by the petitioner herein.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that both the trial Court and appellate Court has rightly convicted the accused appreciating the evidence adduced by the prosecution before the trial Court and the petitioner is not having any *prima facie* case in this appeal.

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

6. Considering the facts and circumstances of the case, this Court finds that there are some 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.

7. 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 till the disposal of the main revision.
- (iii) The petitioner shall execute a bond for a sum Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, FTC, Karur.
- (v) The petitioner shall appear before the concerned Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
29/06/2017

/ TRUE COPY /

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



TO

1 THE JUDGE, MAHILA COURT, KARUR.

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

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.

+1. C.C. to M/S.S.GOKUL RAJ Advocate SR.No.25948

TRP

CSL/KK/SAR-I/04.07.2017 : 2P/5C

ORDER

IN

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IN

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Date :29/06/2017