



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

Thursday, the Thirteenth day of July Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.6086 of 2017

IN

CRL RC(MD) No.546 of 2017

PURUSHOTHAMAN,

... PETITIONER/PETITIONER/
SOLE ACCUSED

Vs

1 M/S.JAI RENGAMILLS (P)LIMITED,
RAJAPALAYAM,REP THRO ITS POWER AGENT/OFFICE
MANAGER,S.MOHANRAM, S/O.SETHURATHINAM, NO.9,
MUNICIPAL OFFICE ROAD, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

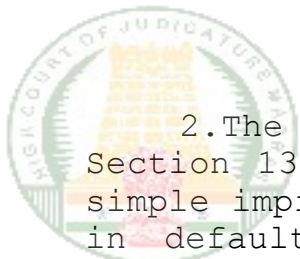
2 STATE REP.BY
THE PUBLIC PROSECUTOR,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the Learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.A.No.162/2008 by the Judgement dated 03/06/2016 confirming the conviction and sentence imp2sed by the Learned Judicial Magistrate No.I, Srivilliputhur in C.C.No.74/2006 by dated 18/03/2008 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

Order :This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.DEENADHAYALAN, Advocate for the petitioner and of MR.K.SUDALAYANDI, learned counsel takes notice for the 1st respondent and MR.C.MAYIL VAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the 2nd Respondent and this Court while admitting the Criminal Revision Case made the following order:-

This petition has been filed praying to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur in Crl..A.No.162 of 2008 by judgement dated 3.6.2016 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Srivilliputhur in C.C.No.74 of 2006, dated 28.3.2008 and to enlarge the Petitioner on bail, pending disposal of the Criminal Revision Case.



2.The Petitioner has been convicted for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months in C.C.No.74 of 2006, on the file of learned Judicial Magistrate No.I, Srivilliputhur. Challenging the same, the Petitioner file an appeal in Crl.A.No.162 of 2008 and the Lower Appellate Court dismissed the appeal, confirming the conviction and sentence imposed by the Trial Court. Challenging the same, the present revision has been filed. Pending revision, the Petitioner has filed a Petition to suspend the sentence.

3.I have heard the submissions of Mr.S.Deenadhayalan, learned counsel for the Petitioner and Mr.K.Sudalayandi, learned counsel for the respondent and considered the materials available on record.

4.The learned counsel for the Petitioner would contend that there is a money dispute between the parties and the cheque given by the Petitioner towards security has been misused and the present complaint has been filed by the complainant. In order to prove his defence, he has examined P.W.1 and P.W.2 stating that there was a previous motive and also complaint in this regard has been given against the complainant on 21.5.2003. The Petitioner has raised a probable defence regarding his liability and raised the presumption under Section 139 of Negotiable Instruments Act, but absolutely there is no material to prove that there is a legally enforceable debt.

5. Considering the fact that there are arguable points in the revision and it may take a long time for taking up the revision for hearing, I am inclined to suspend the sentence imposed on the petitioner.

6. In fine, this petition is allowed. The sentence imposed in C.C.No.74 of 2006, confirmed in C.A.No.162 of 2008 alone is suspended till the disposal of Crl R.C(MD)No.546 of 2017. The petitioner will be released on bail on executing a bond to the tune of Rs.10,000/- (Rupees Ten Thousand only) and common two sureties in all these cases for the like-sum to the satisfaction of Judicial Magistrate No.I, Srivilliputhur with a further condition that the petitioner shall report before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-

13/07/2017

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TO

1 THE JUDICIAL MAGISTRATE NO I
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE PRINCIPAL SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

4 THE PUBLIC PROSECUTOR,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

+1. C.C. to M/S.S.DEENADHAYALAN Advocate SR.No.26580

ORDER
IN
CRL MP (MD) No.6086 of 2017
IN
CRL RC (MD) No.546 of 2017
Date :13/07/2017(6/9)

vsn

SVA:RR-BS:SAR I:02.08.2017:3P/6C