



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

Wednesday, the Fifth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.3892 of 2016
IN
CRL RC (MD) No.289 of 2016

MR.AMANULLAH

... PETITIONER/PETITIONER

Vs

P. PRABAKARAN

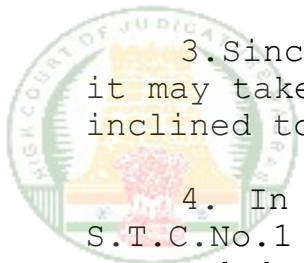
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on petitioner by the Learned Additional District Judge, Dindigul in C.A.No. 36 of 2013 dated 17.12.2015 while confirming the conviction and sentence passed by the Learned Judicial Magistrate, Fast Track Court, Palani in S.T.C.No. 1 of 2013 dated 18.04.2013 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.S.SARVAGAN PRABHU, Advocate for the petitioner the court made the following order:-

This petition has been filed praying to suspend the sentence passed in C.A.No.36 of 2013, dated 17.12.2015, on the file of the Additional District Judge, Dindigul, convicting the petitioner for the offence under Section 138 of Negotiable Instruments Act, for a period of three months simple imprisonment and also a compensation of Rs.1,00,000/- and in default to undergo a further period of one month simple imprisonment, by confirming the judgment passed in S.T.C.No.1 of 2013, on the file of the learned Judicial Magistrate, Fast Track Court, Palani, dated 18.04.2013.

2. The learned counsel for the petitioner submitted that in the year 2006, the petitioner has given four cheques to the father of the respondent viz., Ponnusamy, for the purpose of purchasing a lorry by his brother-in-law. Thereafter, respondent's father by using one of the cheques filed a complaint before the Court of the learned Judicial Magistrate, Palani and that matter was compromised. He used another cheque for filing this complaint through this respondent (His son). He has examined himself as P.W.2 and also examined two other witnesses and raised a probable defence. The courts below, without considering the same, convicted and sentenced the petitioner.



3. Since there are arguable points involved 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.

4. In fine, this petition is allowed. The sentence imposed in S.T.C.No.1 of 2013, confirmed in C.A.No.36 of 2013 alone is suspended till the disposal of CrI R.C(MD)No.289 of 2016. The petitioner will be released on bail on executing a bond to the tune of Rs.10,000/- (Rupees Ten Thousand only) and two sureties each for the likesum to the satisfaction of Judicial Magistrate, (Fast Track Court), Palani 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 revision or until further orders.

5. Post the revision for hearing in the usual course.

sd/-
05/07/2017

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT JUDGE, DINDIGUL
 - 2 THE JUDICIAL MAGISTRATE, FAST TRACK COURT, PALANI
 - 3 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
- +1. C.C. to M/S D.SELVARAJ Advocate SR.No.25921

ORDER
IN
CRL MP(MD) No.3892 of 2016
IN
CRL RC(MD) No.289 of 2016
Date :05/07/2017

MKV-PM-PN-SAR 3/6.7.2017/2P-5C