



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

Monday, the Thirty First day of July Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.6848 of 2017

IN

CRL RC (MD) No.608 of 2017

PALANISAMY

... PETITIONER/PETITIONER

Vs

1 R.SURESH BABU

... RESPONDENT/RESPONDENT/
COMPLAINANT

2 THE PUBLIC PROSECUTOR,
DINDIGUL,
DINDIGUL DISTRICT.

... RESPONDENT/2ND RESPONDENT

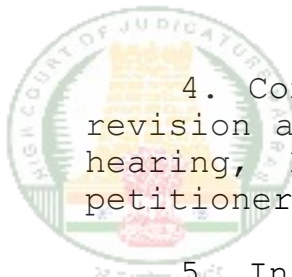
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on me by the Additional Sessions Judge, Dindigul in C.A.No.36/2012 dated 12/07/2016 while confirming the conviction and sentence passed by the Learned Fast Track Court at Magisterial Level, Palani in C.C.NO.28/2011 dated 25/01/2012 pending disposal of the above 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.D.SELVARAJ, Advocate for the petitioner and of MR.T.LENIN KUMAR, Advocate for R1 and The Additional Public Prosecutor for R2, while admitting the CRL RC., the court made the following order:-

This petition has been filed praying to suspend the sentence passed in Crl.A.No.36 of 2012 on the file of the Additional Sessions Judge, Dindigul, dated 31.03.2016, convicting the appellant for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo three months simple imprisonment and also to pay a compensation of Rs.75,000/-, by confirming the judgment passed in C.C.No.28 of 2011, on the file of the Fast Track Court at Magisterial Level, Palani, dated 25.01.2012.

2. The learned counsel for the petitioner submitted that there is no legally enforceable liability and the complainant is unknown to the petitioner.

3. It is the further submission of the learned counsel for the petitioner that even though the petitioner rebutted the presumption underlies Section 139 of NI Act and adequate evidence was produced on his side, the Court below, without considering the same, convicted him.



4. 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.

5. In fine, this petition is allowed. The sentence imposed in C.C.No.28 of 2011, confirmed in Crl.A.No.36 of 2012 alone is suspended till the disposal of Crl R.C(MD)No.608 of 2017. The petitioner will be released on bail on depositing a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) to the credit of C.C.No.28 of 2011 pending before the Fast Track Court at Magisterial Level, Palani within a period of six weeks from the date of receipt of a copy of this order and on executing a bond to the tune of Rs.10,000/- (Rupees Ten Thousand only) and two sureties each for the like-sum to the satisfaction of Judicial Magistrate, Fast Track Court (Magisterial Level), Palani with a further condition that the petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-

31/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, FAST TRACK COURT (MAGISTERIAL LEVEL), PALANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE ADDITIONAL SESSIONS JUDGE, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE PUBLIC PROSECUTOR, DINDIGUL, DINDIGUL DISTRICT.

+1. C.C. to M/S.T.LENIN KUMAR Advocate SR.No.27639

+1. C.C. to M/S.D.SELVARAJ Advocate SR.No.27788

SJ

CSL/RR-BS/SAR-I/11.08.2017 : 2P/8C

ORDER

IN

CRL MP(MD) No.6848 of 2017

IN

CRL RC(MD) No.608 of 2017

Date :31/07/2017