



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

Tuesday, the Eighth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.7151 of 2017

IN

CRL RC(MD) No.636 of 2017

ANOOR K.PRAKASM

... PETITIONER/PETITIONER

Vs

SELLAMUTHU

... RESPONDENT/RESPONDENT

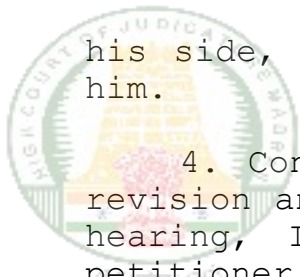
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed in CA.No.47/2014 on the file of the Sessions Judge/Mahila Fast Track Court, Karur dated 22/02/2016 confirmed in STC.No.46/2012 on the file of the Judicial Magistrate/Fast Track Court at Magistrate Level, Karur dated 30/09/2014 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 R.DEVARAJ, 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.47 of 2014 on the file of the Sessions Judge/Mahila Fast Track Court, Karur, dated 22.02.2016, convicting the appellant for the offence under Section 138 of Negotiable Instruments Act, for a period of three months Rigorous Imprisonment with fine of Rs.1,500/- and in default to undergo further period of 15 days Rigorous Imprisonment by confirming the judgment passed in S.T.C.No.46 of 2012, on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, dated 30.09.2014.

2. The learned counsel for the petitioner contended that even though the cheque has been issued in favour of the complainant Company, absolutely there was no transaction between the petitioner and the complainant Company and the petitioner has already gone to the box and proved that there is no transaction between the petitioner and the complainant Company and he also raised a probable defence and there is no material available on record to show the liability of the petitioner.

3. It is the further submission of the learned counsel for the petitioner that even though the petitioner rebutted the presumption under 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 S.T.C.No.46 of 2012, confirmed in C.A.No.47 of 2014 alone is suspended till the disposal of Crl.R.C(MD)No.636 of 2017. The petitioner will be released on bail on executing a bond to the tune of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for the like sum to the satisfaction of Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, with a further condition that the petitioner shall deposit Rs.1,00,000/- (Rupees one lakh only) within a period of one week from the date of receipt of a copy of this order and 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 this Criminal Revision or until further orders.

sd/-
08/08/2017

/ TRUE COPY /

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

TO

1 THE SESSIONS JUDGE, MAHILA FAST TRACK COURT, KARUR

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

3 THE CHIEF JUDICIAL MAGISTRATE, KARUR

+1. C.C. to M/S R.DEVARAJ Advocate SR.No.28372

ORDER
IN
CRL MP(MD) No.7151 of 2017
IN
CRL RC(MD) No.636 of 2017
Date :08/08/2017

SM:CM-MSA:SAR 1:11.8.2017:2P/5C