



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

Thursday, the Tenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.7264 of 2017
IN
CRL RC (MD) No.644 of 2017

VENKAT

... PETITIONER/PETITIONER

Vs

RAMAMOORTHY

... 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 against me in C.A.No.3/2014 dated 27/07/2017 on the file of the District Sessions Judge, Sivagangai confirming the judgement in C.C.No.142/2012 dated 17/12/2013 on the file of the Fast Track Court Judicial Magistrate, Karaikudi and enlarge me on bail pending disposal of 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.M.SUBASH BABU, Advocate for the petitioner the court made the following order:-

The petitioner/accused stood convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.142 of 2012 on the file of the Fast Track Court/Judicial Magistrate, Karaikudi and sentenced to undergo one year simple imprisonment and he was also directed to pay the cheque amount of Rs.5,00,000/- as compensation, in default, to undergo one month simple imprisonment. Against the conviction and sentence passed by the trial court, the petitioner has filed an appeal in C.A.No.3 of 2014 on the file of the District and Sessions Court, Sivagangai. The first appellate Court dismissed the appeal and confirmed the conviction and sentence passed by the trial Court. Challenging the same, the present Criminal Revision Case has been filed. Pending Revision, the petitioner has sought for suspension of sentence.

2.Heard Mr.M.Subash Babu, learned Counsel appearing for the petitioner and perused the records carefully.

3.The learned counsel appearing for the petitioner submitted that the cheque in question was returned on 30.11.2009 by issuing a return memo. But calculating the limitation period from 07.12.2009, on which date, the bank has sent memo to the respondent indicating that they have debited some amount towards return of cheque, the



respondent has filed the complaint on 04.01.2010 which is barred by limitation. Apart from that, the petitioner has given the cheque in question only as a security, but it has been misused by the complainant and without considering the said aspect, the Courts below have convicted the petitioner.

4. Considering the facts and circumstances of the case and also considering that there are arguable points in the case, I am inclined to suspend the sentence of imprisonment alone imposed against the petitioner.

5. In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/accused alone is suspended and the petitioner shall be released on bail on condition that the petitioner deposits a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of District and Sessions Court, Sivagangai within a period of six weeks from the date of receipt of a copy of this order and also directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the Fast Track Court/Judicial Magistrate, Karaikudi with a further condition that the petitioner shall report before the committal Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the revision or until further orders.

sd/-

10/08/2017

/ TRUE COPY /

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

TO

- 1 THE DISTRICT AND SESSIONS JUDGE, SIVAGANGAI.
 - 2 THE FAST TRACK COURT/JUDICIAL MAGISTRATE, KARAIKUDI.
 - 3 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- +1. C.C. to M/S.M.SUBASH BABU Advocate SR.No.28656

ORDER

IN

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Date :10/08/2017

MKV-CM-MSA-SAR 4/11.8.2017/2P-5C

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