



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

Thursday, the Seventeenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.7425 of 2017
IN CRL RC(MD) No.651 of 2017

ADHIMOOLAM

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.688/2011)

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

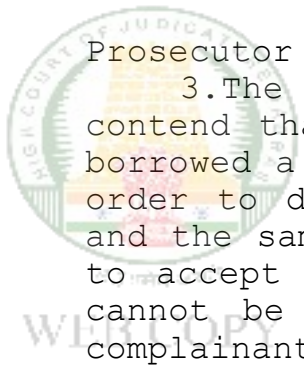
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the petitioner in C.A.No.15 of 2014 dated 05.06.2017 on the file of the learned Additional Sessions Court, Dindigul confirming the Judgment in C.C.No.267 of 2011 dated 26.03.2014 on the file of the Judicial Magistrate Court No.I, Dindigul and enlarge him on bail pending disposal of above Criminal Revision Petition and thus render justice.

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 and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The petitioner/accused stood charged for the offence punishable under Sections 406 and 420 IPC in C.C.No.267 of 2011 on the file of the Judicial Magistrate court, No.I, Dindigul. The trial Court convicted the petitioner under Section 420 IPC and sentenced him to undergo one year simple imprisonment and also imposed a fine of Rs.1,000/-, in default to undergo one month simple imprisonment. The trial Court acquitted the petitioner for the offence under Section 406 IPC. Against the conviction and sentence passed by the trial court, the petitioner has filed an appeal in C.A.No.15 of 2014 on the file of the Additional Sessions Court, Dindigul. The lower appellate Court dismissed the Appeal and thereby confirmed the conviction and sentence passed by the trial Court. Challenging the same, the petitioner is before this Court with this Criminal Revision Case. Pending Revision, the petitioner sought for suspension of sentence.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard Mr.M.Subash Babu, learned Counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public



Prosecutor for the respondent and perused the records carefully.

3.The learned counsel appearing for the petitioner would contend that the allegation against the petitioner is that he has borrowed a sum of Rs.3,00,000/- from the defacto complainant and in order to discharge the liability, he has issued a withdrawal slip and the same was presented before the bank. The drawee bank refused to accept the withdrawal slip on the ground that withdrawal slip cannot be accepted for collection of amount. Hence, the defacto complainant has filed the present complaint under Section 420 IPC. The learned counsel further submitted that from the materials available on record, absolutely there is no ingredients to attract the provision of Section 420 IPC against the petitioner. The Court below without considering the evidence in proper perspective, has convicted the petitioner.

4.I have considered the submissions made on either side and perused the records carefully. I find some arguable points involved in the Revision.

5.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.

6.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 should 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 Judicial Magistrate Court, No.I, Dindigul with a further condition that the petitioner shall report before the committal 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.

sd/-

17/08/2017

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL SESSIONS JUDGE, DINDIGUL
 - 2 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL
 - 3 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION, DINDIGUL DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.M.SUBASH BABU Advocate SR.No.28917

ORDER IN

CRL MP(MD) No.7425 of 2017 IN

CRL RC(MD) No.651 of 2017

Date :17/08/2017