



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

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

WEB COPY

CRL MP(MD) No.8760 of 2017
IN CRL RC(MD) No.752 of 2017

R.MURUGESAN,

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

V.NEELA,

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

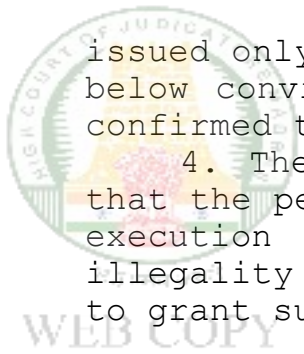
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND THE SENTENCE imposed against the petitioner in C.A.No.11 of 2016 dated 28.11.2016 on the file of the Principal Sessions Judge, Tiruchirapalli confirming the Judgment in C.C.No.104/2008 dated 18.03.2016 on the file of the Principal District Munsif cum-Judicial Magistrate Court, Lalgudi and enlarge him on bail pending disposal of 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.C.SUSI KUMAR, Advocate for the petitioner and of MR.T.SENTHILKUMAR, Advocate for the Respondent while admitting the Crl Rc, the court made the following order:-

The petitioner was convicted for an offence under Section 138 of Negotiable Instruments Act and sentenced to undergo 9 months Simple Imprisonment and to pay the cheque amount of Rs.3,00,000/- as compensation, in default to undergo 3 months Simple Imprisonment in C.C.No.104 of 2008 on the file of the District Munsif cum Judicial Magistrate Court, Lalgudi. Challenging the same, he preferred an appeal in C.A.No.11 of 2016 on the file of the Principal Sessions Judge, Trichy. The lower appellate Court dismissed the appeal, by confirming the conviction and sentence passed by the trial court. Challenging the same, the petitioner has filed the present revision and in order to suspend the sentence, the present Miscellaneous Petition is filed.

2. I have heard Mr.C.Susi Kumar, the learned counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned counsel appearing for the respondent and perused the records carefully.

3. The learned counsel appearing for the petitioner submitted that there is no legally enforceable liability and complainant also failed to prove the means to advance the loan. The petitioner was examined himself as D.W.1, and raised a plea that the Cheque was



issued only for security and without considering the same, the Court below convicted the petitioner. The lower appellate Court has also confirmed the same.

4. The learned counsel appearing for the respondent submitted that the petitioner has admitted the signature in the Cheque and the execution of pro-note and disputed the liability. There is no illegality in the order passed by the Court below. Thus, he opposed to grant suspension of sentence.

5. I have considered the rival submissions and the materials available on record.

6. Considering the facts and circumstances of the case and since there are some arguable points involved in the revision and it may take long time for taking up the revision for hearing, I am inclined to suspend the sentence of imprisonment alone imposed against the petitioner.

7. In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner shall be released on bail on executing 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 learned Principal District Munsif cum Judicial Magistrate, Lalgudi, and as further condition that the petitioner shall deposit 50% of the Cheque amount to the credit of C.C.No.104 of 2008 on the file of the learned Principal District Munsif cum Judicial Magistrate, Lalgudi within a period of six weeks from today and the petitioner shall report before the Principal District Munsif cum Judicial Magistrate, Lalgudi, 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/-
22/09/2017

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, TIRUCHIRAPALLI
- 2 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, LALGUDI
- 3 THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT

ORDER IN
CRL MP(MD) No.8760 of 2017
IN
CRL RC(MD) No.752 of 2017
Date :22/09/2017