



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

Tuesday, the Tenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL.M.P.(MD) Nos.9166 & 9167 of 2017
IN
CRL.RC.(MD) Nos.769 & 770 of 2017

G.SARAVANAN ... REVISION PETITIONER/RESPONDENT/RESPONDENT
IN BOTH PETITIONS

Vs

J.SANKARANARAYANAN ... RESPONDENTS/APPELLANT/COMPLAINANT
IN CRL MP(MD).9166/17 IN CRL RC(MD).769/17
B.SURULIRAJ ... RESPONDENTS/APPELLANT/COMPLAINANT
IN CRL MP(MD).9167/17 IN CRL RC(MD).770/17

Prayer in CRL MP(MD). 9166/ 2017 IN CRL RC(MD).769/2017 :

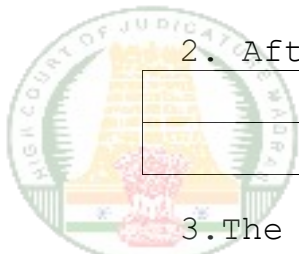
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and grant bail to the Revision Petitioner pending disposal of the Criminal Revision before this Honourable Court against the Judgement in CA.No.39/2016 on the file of the Additional District and Sessions Judge, Theni at Periyakulam dated 27/02/2017 reversing the order of acquittal passed in STC.No.100/2015 dated 02/02/2016 on the file of the Learned Judicial Magistrate Fast Track Court (M.L.) at Theni pending disposal of the above Crl.A.

Prayer in CRL MP(MD). 9167/ 2017 IN CRL RC(MD).770/2017 :

To suspend the sentence and grant bail to the Revision Petitioner pending disposal of the Criminal Revision before this Honourable against the Judgement in C.A.No.40/2016 on the file of the Additional District and Sessions Judge, Theni at Periyakulam dated 27/02/2017 in STC.No.106/2015 dated 02/02/2016 on the file of the Learned Judicial Magistrate Fast Track Court (M.L.) at Theni pending disposal of the above revision.

Order : These petitions coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.THIRUMURUGAN, Advocate for the petitioner in both petitions and of MR.J.JEYAKUMARAN, Advocate on behalf of the Respondent in both petitions the court made the following order:-

The accused in S.T.C.Nos.100 and 106 of 2015, on the file of the learned Judicial Magistrate, Fast Track Court, (M.L.)Theni, while challenging his conviction and sentence, seeks revision bail under Section 397(1) Cr.P.C.



2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 138 IPC	1 year R.I.+ fine Rs.1000

3. The learned counsel for the Petitioner is present and the learned counsel for the respondent is also present. Heard both sides. Petitioner was arrested on 01.09.2017 and is confined at Central Prison, Madurai. Fine amount was paid on 11.09.2017.

4. The learned counsel for the petitioner states that the Trial Court has considered the evidence adduced by the respondent herein and the petitioner was acquitted by the Trial Court. The respondent herein has failed to prove means to lend the cheque amount. The learned counsel for the petitioner further states that he is having some transaction with one Lakshmanan and Suruli Raj and said cheques were given only for security purpose and the same have been misused by the respondent herein and hence he does not have legally enforceable debt in respect of the respondent herein. The petitioner is having arguable points in this revision and he is also having a prima facie case in this revision. The learned counsel for the petitioner voluntarily agrees to deposit a sum of Rs.25,000/- (Twenty five thousand only) in each case at the time of execution of the bond and thereafter, his release within a period of three weeks he has preferred to deposit a sum of Rs.50,000/- (Fifty thousand only) in each case before the concerned Court.

5. The learned counsel appearing for the respondent states that the Appellate Court has considered the evidence adduced by the petitioner herein before the Trial Court and rightly convicted the petitioner.

6. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal revision. They are required to be examined in detail in the main criminal revision. Further, it will take some time for the disposal of the criminal revision. On considerations, this petition is ordered as under:

- (i) Revision bail granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate, Fast Track Court, (M.L.) Theni. On deposit of Rs.25,000/- (Twenty Five Thousand only) in each case.
- (iii) The petitioner shall appear before the said Court on the first working day of every month at 1.00 p.m., until further orders. and
- (IV) After his release, petitioner is directed to deposit of Rs.50,000/- (Fifty Thousand only) in



each case before the learned Judicial Magistrate,
Fast Track Court, (M.L.) Theni. Within three
weeks.

sd/-
10/10/2017

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI AT PERIYAKULAM.
 - 2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, (M.L) THENI.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- +2. C.C. to M/S.T.THIRUMURUGAN Advocate SR.Nos.32416 & 32415
+2. C.C. to M/S.J.JEYAKUMARAN Advocate SR.Nos.32436 & 32435

ORDER IN
CRL.M.P. (MD) Nos.9166 & 9167 of 2017
IN CRL.RC. (MD) Nos.769 & 770 of 2017
Date :10/10/2017

MKV-CM-MSA-SAR 4/12.10.2017/3P-9C