



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

Thursday, the Twenty Sixth day of October Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.9639 of 2017
IN
CRL RC (MD) No.800 of 2017

A.NATARAJAN

... PETITIONER/ APPELLANT

Vs

1 MURUGESAN

2 THE PUBLIC PROSECUTOR,
TIRUNELVELI.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an Order of Suspend the Sentence made in Judgment dated 16.08.2017 made in C.A.No.54 of 2015 on the file of the Learned III Additional District & Sessions Judge, Tirunelveli, confirming the conviction order dated 05.06.2015 S.T.C.No.434 of 2009 on the file of the Learned District Munsif and Judicial Magistrate, Sivagiri, pending disposal of the above Criminal Revision Petition and thus render justice.

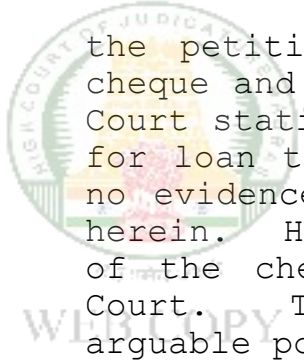
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.S.JEYAKARTHIK, Advocate for the petitioner, While admitting the CRL.RC, the court made the following order:-

The petitioner / accused in S.T.C.No.434 of 2009, on the file of the learned District Munsif and Judicial Magistrate, Sivagiri, dated 05.06.2015 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 of N.I.Act	6 months S.I + Compensation of Rs.76,800/-

3.The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that the suit was filed by the de facto complainant on the basis of a private note, which is said to be executed by the petitioner and his wife and the suit was decreed now and hence, the petitioner is taking steps to set aside the said decree. It is admitted that



the petitioner has not chosen to send any notice in respect of cheque and he himself chosen to examine as witness before the Trial Court stating that the cheque was handed over to P.W.2 in this case for loan transaction between the petitioner and P.W.2 and there is no evidence to prove the said fact as contended by the petitioner herein. However, the petitioner voluntarily agrees to deposit 50% of the cheque amount ie. a sum of Rs.19,200/- before the Trial Court. The petitioner is having prima facie case and having arguable points in his favour.

4.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. On considerations, this petition is ordered as under:

- (i) Revision bail is 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 likesum each to the satisfaction of the learned Munsif cum Judicial Magistrate Court, Sivagiri.
- (iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.
- (iv) The petitioner is directed to deposit a sum of Rs.19,800/- before the III Additional District and Sessions Court, Tirunelveli.

sd/-
26/10/2017

/ TRUE COPY /

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

TO

- 1. THE III ADDITIONAL DISTRICT & SESSIONS JUDGE, TIRUNELVELI.
- 2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SIVAGIRI.
- 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 4. THE PUBLIC PROSECUTOR, TIRUNELVELI.

+1. C.C. to M/S.M.S.JEYAKARTHIK Advocate SR.No.33292

ORDER IN
CRL MP(MD) No.9639 of 2017
IN
CRL RC(MD) No.800 of 2017
Date :26/10/2017