



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

Friday, the Twenty Seventh day of October Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.9693 of 2017
IN
CRL RC (MD) No.802 of 2017

BALADHANDAPANI

... PETITIONER/PETITIONER

Vs

VIVEKANANDAN

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Enlarge the Petitioner on bail by suspending the sentence imposed in C.A No. 48/2016 by the Additional district and Sessions Judge Palani dated 02.08.2017 by confirming the Judgement and conviction made in C.C No. 24/2015 by the Fast Track Court (Magisterial Level) Palani dated 03.11.2016.

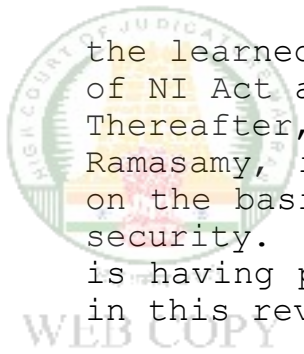
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.P.SENTHIL, Advocate for the petitioner and of None appeared for the Respondent while admitting Crl RC the court made the following order:-

The petitioner / accused in C.C.No.24 of 2015, on the file of the learned Fast Track Court (Magistrate level), Palani 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.

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 petitioner has borrowed totally a sum of Rs.2,00,000/- on several days and he has paid the interest to the respondent herein and for obtaining loan amount, the petitioner has given 5 blank cheques, signed by him and also gave ATM and bank pass book to the respondent as security. But the respondent is said to have submitted the said 4 cheques in favour of three other persons namely, Sureshkumar, Durairaj and Ramasamy. The said Suresh Kumar and Durairaj filed S.T.C.Nos.10 and 4 of 2014 respectively before



the learned Judicial Magistrate Fast Track, Palani under Section 138 of NI Act and the cases were dismissed on merits by the Trial Court. Thereafter, another cheque, which is said to be used by one Ramasamy, is pending. The present case is filed by the petitioner on the basis of one of the blank cheques given to the respondent as security. The respondent is a practicing advocate. The petitioner is having prima facie case and he is having certain arguable points in this revision for acquittal.

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. Further, it will take some time for the disposal of the 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 petitioners 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 Fast Track Court (Magistrate level), Palani.
- (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.

sd/-
27/10/2017

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PALANI.
- 2 THE JUDGE,
FAST TRACK COURT (MAGISTRATE LEVEL), PALANI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

ORDER
IN
CRL MP(MD) No.9693 of 2017
IN
CRL RC(MD) No.802 of 2017
Date :27/10/2017

MKV-CM-MSA-SAR 1/27.10.2017/2P-4C