



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.1692 of 2018
IN
CRL RC (MD) No.125 of 2018

K.KUMARESAN

... PETITIONER / PETITIONER

Vs

M.KANJITHALAIVAN

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the learned Judicial Magistrate No.II (FTC (Magisterial Level), Madurai in S.T.C.No.399 of 2013 dated 18.02.2016 which was confirmed by the learned IV Addl. District and Sessions Judge, Madurai in Crl.A.No.12 of 2016 dated 08.01.2018 and enlarge the petition on bail pending the main revision and thus render justice.

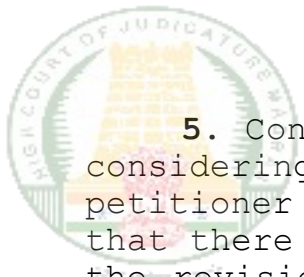
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.K.MANICKAM, Advocate for the petitioner and of Mr.S.THIRUPATHY, Advocate on behalf of the Respondent, while admitting the Crl RC., the court made the following order:-

The petitioner has been convicted in S.T.C.No.399 of 2013, by the learned Judicial Magistrate No.2, [Fast Tract Court (Magisterial Level)], Madurai, on 18.02.2016, for the offence under Section 138 of Negotiable Instruments Act, and sentenced to undergo one years simple imprisonment and to pay a sum of Rs.1,50,000/- to the defacto complainant, being the cheque amount as compensation. Challenging the conviction and sentence, the petitioner filed an appeal in Crl.A.No.12 of 2016 before the IV Additional District and Sessions Court, Madurai and the same was dismissed on 08.01.2018.

2. Heard Mr.A.K.Manickam, learned counsel for the petitioner and Mr.S.Thirupathy, learned counsel for the respondent.

3. It is seen that the petitioner/accused has been arrested in Execution of the Committal Warrant and is in custody from 24.02.2018.

4. The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court.



5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution and that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, (Fast Track Court (Magisterial Level)], Madurai and on further condition that:

- (i) the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of S.T.C.No.399 of 2013, before the Judicial Magistrate No.2, [Fast Track Court (Magisterial Level)], Madurai and on such deposit the learned Judicial Magistrate shall redeposit the amount in a Nationalized Bank so that the amount along with accrued interest can be disbursed depending on the outcome of the Criminal Revision Case.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) the petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
09/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.2
(FAST TRACK COURT (MAGISTRATE LEVEL), MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3 THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MADURAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.A.K.MANICKAM Advocate SR.No.3791
+1 CC TO Mr. S.THIRUPATHY , Advocate, Sr.No. 3838

SJ

JAM/09/03/2018/ PM-PN / SAR 4/ 3P-8C

ORDER

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Date :09/03/2018