



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.270 of 2018
IN
CRL RC(MD) No.27 of 2018

M.RAJU

NOW HE IS CONFINED AT CENTRAL PRISON,
MADURAI

... PETITIONER / PETITIONER

Vs

B.S.DHANRAJ

... 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 execution of sentence passed in Criminal Appeal No.20 of 2013 dated 22.06.2016 on the file of the Learned Additional District and Sessions Court, Theni at Periyakulam modifying the Judgment in C.C.No.297 of 2006 dated 12.03.2013 on the file of the Learned Judicial Magistrate, Periyakulam, Theni District and enlarge the Petitioner on bail, pending disposal of the Criminal Revision Petition

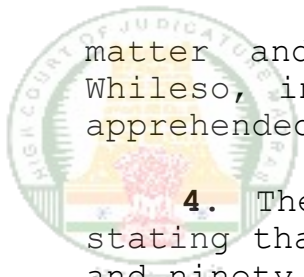
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.SHANKAR GANESH, Advocate for the petitioner and of Mr.S.SIVANESAN, Advocate on behalf of the Respondent, the court made the following order:-

The petitioner has been convicted in C.C.No.297 of 2006, by the learned Judicial Magistrate, Periyakulam, on 12.03.2013, for the offence under Section 138 N.I.Act and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment.

2. The petitioner paid the fine amount and preferred an appeal in C.A.No.20 of 2013, before the learned Additional District and Sessions Judge, Theni, at Periyakulam, who by Judgment, dated 22.06.2016, confirmed the conviction, but modified the sentence by reducing it from one year simple imprisonment to six months simple imprisonment and further directed the petitioner to pay a sum of Rs.3,00,000/- towards compensation before Trial Court within a period of two months, in default, to undergo three months simple imprisonment.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Thereafter, it appears that the parties were negotiating the



matter and therefore, the petitioner did not prefer revision. Whiles, in execution of the committal warrant, the petitioner was apprehended on 28.12.2017 and remanded to judicial custody.

4. The respondent has filed an affidavit, dated 09.01.2018, stating that he has received a sum of Rs.1,90,000/- (Rupees one lakh and ninety thousand only) as full and final settlement of the case.

5. In such view of the matter, the sentence imposed upon the petitioner by the Courts below stands suspended and the petitioner is released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) (own bond), without sureties. After his release, he shall appear before this Court on 02.02.2018 at 10.30 a.m.

sd/-
11/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI AT PERIYAKULAM
- 2 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
- 4 THE SUPERINTENDENT, CENTRAL PRISON. MADURAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1CC TO M/S.R.SHANKAR GANESH, ADVOCATE, SR NO.617

JAM/11/01/2018/PN/ SAR 2/ 2P-6C

ORDER
IN
CRL MP (MD) No.270 of 2018
IN
CRL RC (MD) No.27 of 2018
Date :11/01/2018