



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) Nos.11114 and 10933 of 2017

IN

CRL RC(MD) No.895 of 2017

V.N.SWAMINATHAN

... PETITIONER / PETITIONER
IN BOTH THE PETITIONS

Vs

M.SHANMUGAM

... RESPONDENT / RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD)No.11114/17 IN CRL RC(MD)No.895/17:-

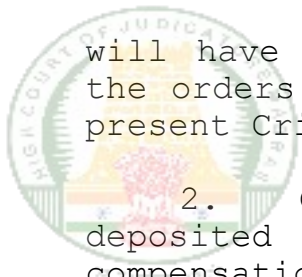
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the fine imposed by the learned Additional District Judge, Pudukkottai made in Crl.A.No. 8 of 2014 modifying the order dated 07.02.2014 by the learned District Munsif, Pudukkottai made in C.C.No.1 of 2013, pending disposal of the Criminal Revision

Prayer in CRL MP(MD). 10933/ 2017 :

To exempt with the surrender of the Petitioner in pursuant to the Judgment dated 13.10.2017 by the Learned Additional District Judge, Pudukkottai in Crl.A.No.8 of 2014 modifying the conviction and sentence of imprisonment imposed by the learnd District Munsif, Pudukkottai in C.C.No.1 of 2013 dated 07.02.2014 pending disposal of Crl.R.C. and thus render justice.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.D.RAMESH KUMAR, Advocate for the petitioner in both the petitions and the court made the following order:-

The petitioner was convicted under Section 138 of the Negotiable Instruments Act, by the learned District Munsif cum Judicial Magistrate, Pudukottai in C.C.No.1 of 2013 and was sentenced to undergo six months Simple Imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo one month Simple Imprisonment. Challenging the conviction and sentence, the petitioner has filed Crl.A.No.8 of 2014 and the same was heard by the learned Additional District and Sessions Judge, Pudukottai, and the conviction was confirmed by order dated 13.10.2017. But, however, the sentence was modified to the effect that the petitioner shall pay a compensation of Rs.80,000/-, being twice the value of the cheque, to the complainant before 13.11.2017, failing which, he



will have to undergo six months Simple Imprisonment. Challenging the orders passed by the Courts below, the petitioner has filed the present Criminal Revision Case.

2. On the directions of this Court, the petitioner has deposited Rs.40,000/- (Rupees Forty Thousand only), being the compensation amount, vide Fine Receipt No.A1007911, dated 29.01.2018 before the learned District Munsif, Pudukkottai.

3. In such view of the matter, payment of the balance sum of Rs.40,000/- (Rupees Forty Thousand only), as directed by the First Appellate Court, is stayed until further orders.

4. Since the petitioner had not furnished bail bond at any point of time, he is directed to surrender before the trial Court, within a period of two weeks from the date of receipt of a copy of this order and furnish a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif, Pudukkottai, undertaking to comply with the appellate Court order, in the event of Criminal Revision Case being dismissed.

5. These petitions are ordered accordingly.

sd/-
02/02/2018

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF,
PUDUKKOTTAI.

3 THE ADDITIONAL DISTRICT JUDGE
PUDUKKOTTAI.

+1. C.C. to M/S.D.RAMESH KUMAR Advocate SR.No.1875

sm
JAM/09/02/2018/RR-CSL SAR 2 / 2p-4c

ORDER
IN
CRL MP(MD) Nos.11114 and 10933 of 2017
IN
CRL RC(MD) No.895 of 2017
Date :02/02/2018