



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

Thursday, the Nineteenth day of April Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3032 of 2018

IN

CRL RC(MD) No.233 of 2018

M.NAGARAJA

... PETITIONER / PETITIONER

Vs

V.LATCHAM

... 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 dated 04.10.2017 passed in C.a.No.8 of 2014 by the Principal District and Sessions Judge, Theni, confirming the conviction and sentence dated 17.01.2014 passed in C.C.No.31 of 2012 by the Judicial Magistrate Court (Fast Track Court) (Magistrate Level), Uthamapalayam and grant bail to the petitioner pending disposal of the above Crl.R.C. and thereby render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.D.MALAICHAMY, Advocate for the petitioner and the court made the following order:-

It is seen that the petitioner has been convicted by the learned Judicial Magistrate Court (Fast Track Court), Uthamapalayam in C.C.No.31 of 2012 for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo three months simple imprisonment and to pay a fine of Rs.3,000/- (Rupees Three Thousand only), in default, to undergo one month simple imprisonment, by judgment dated 17.01.2014.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.8 of 2014 before the Principal District and Sessions Court, Theni. The first appellate Court has also confirmed the conviction and sentence, by judgement dated 04.10.2014, aggrieved by which, the petitioner has preferred a revision in Crl.R.C.No.201 of 2018. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

3. The learned counsel for the petitioner submitted that notice was served on the respondent in the delay condonation petition



itself.

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

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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 case in respect of the petitioner and that there are arguable points involved in the appeal and further, the appeal 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 interim bail till 07.06.2018, 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 learned Judicial Magistrate Court (Fast Track Court), Uthamapalayam and on further condition that:

- (i) 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.
- (ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal 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.
- (iii) On release from the prison, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.31 of 2012, before the learned Judicial Magistrate Court (Fast Track Court), Uthamapalayam before 07.06.2018; and
- (iv) On such deposit, the learned learned Judicial Magistrate Court (Fast Track Court), Uthamapalayam shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakh only) in any Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending



upon the outcome of the Criminal Revision Case in
Crl. R.C.(MD)No.233 of 2018.

7. Post on 07.06.2018 'for reporting compliance'.

sd/-

19/04/2018

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/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT), UTHAMAPALAYAM,
THENI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THENI

+1. C.C. to M/S.D.MALAICHAMY Advocate SR.No.6645

LS

JAM/24/04/2018/ PN/ASVM/ 3P-5C

ORDER

IN

CRL MP(MD) No.3032 of 2018

IN

CRL RC(MD) No.233 of 2018

Date :19/04/2018