



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

Thursday, the Twenty Sixth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.3369 of 2018
IN
CRL RC (MD) No.251 of 2018

VELLAIKANNU

... PETITIONER/APPELLANT/ACCUSED
Vs

SELVARAJ

... RESPONDENT/RESPONDENT/COMPLAINANT

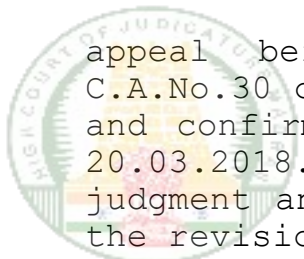
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND THE SENTENCE imposed against the petitioner in C.A.No.30 of 2017 dated 20.03.2018 on the file of the Sessions Judge, Tiruchirapalli Division, Tiruchirapalli confirming the Judgment in C.C.No.177 of 2006 dated 24.03.2017 on the file of the Judicial Magistrate, Manapparai and enlarge the petitioner on bail pending disposal of Criminal Revision Petition 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 M/S.M.SUBASH BABU, Advocate for the petitioner the court made the following order:-

Heard Mr.M.Subash Babu, learned counsel appearing for the petitioner.

2.This petition has been filed to suspend the sentence imposed against the petitioner in C.A.No.30 of 2017 dated 30.03.2018 on the file of the Sessions Judge, Tiruchirappalli Division, Tiruchirapalli confirming the judgment in C.C.NO.177 of 2006 dated 24.003.2017 on the file of the Judicial Magistrate, Manapparai and enlarge the petitioner on bail till the disposal of the criminal revision petition.

3.The case against the petitioner is that the petitioner borrowed a sum of Rs.1,20,000/- from the respondent and have issued a cheque for the same. When the respondent placed the cheque for collection, it was returned as "insufficient funds". The respondent filed a private complaint before the learned Judicial Magisterate, Manapparai and the learned Judicial Magisterate, Manapparai found the petitioner guilty of the offences under Section 138 of Negotiable Instruments Act and also sentenced him to undergo rigorous imprisonment for a period of two years and to pay a compensation of RS.2,40,000/- to the respondent in default to undergo rigorous imprisonment for a period of six months. The petitioner preferred an



appeal before the learned Sessions Judge, Tiruchirapalli in C.A.No.30 of 2017 and the first appellate Court dismissed the appeal and confirmed the judgment of the learned Judicial Magistrate on 20.03.2018. The petitioner filed the revision against the aforesaid judgment and prayed for suspension of sentence till the disposal of the revision.

4. On the side of the petitioner, it is stated that the petitioner has deposited half of the cheque amount before the lower Court while filing the appeal. The copy of the receipt of the same is annexed to the typed set of papers. It is further stated that the petitioner has failed to cross examine the witness which leads to the Courts to convict him. It is stated that the petitioner is having valid grounds for the revision and prayed the sentence to be suspended till the disposal of the revision.

5. Records perused. The order of the learned Judicial Magistrate is already confirmed by the first Appellate Court and it is stated that the petitioner is having valid ground of revision and this Court is of the view that the petitioner herein is entitled put forth his case in this revision petition.

6. This Court is inclined to grant suspension of sentence till the disposal of the case, 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, Manapparai 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) The petitioner is not exempted from surrendering before the trial Court for the purpose of furnishing sureties.

7. Post on 20.06.2018 'for reporting compliance'.

sd/-

26/04/2018

/ TRUE COPY /



TO

1 THE SESSIONS JUDGE,
TIRUCHIRAPALLI DIVISION, TIRUCHIRAPALLI.

2 THE JUDICIAL MAGISTRATE, MANAPPARAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

+1. C.C. to M/S.M.SUBASH BABU Advocate SR.No.7471

ORDER

IN

CRL MP (MD) No.3369 of 2018

IN

CRL RC (MD) No.251 of 2018

Date :26/04/2018

MKV-CM-VR-RNB/2.5.2018/3P-5C