



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

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.3907 and 3909 of 2018
IN
CRL RC(MD) No.289 of 2018

N.PERUMAL

... PETITIONER/ APPELLANT/
ACCUSED IN BOTH THE PETITIONS

Vs

JEYAPRABHA

... RESPONDENT/ RESPONDENT/
COMPLAINANT IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD) No.3907 of 2018:

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 upon the petitioner passed by the learned Judicial Magistrate, C.C.No. 211/2012 dated 12.08.2015 convicting the accused for the alleged offences under section 138 r/w 142 of Negotiable Instruments Act, and sentenced him to undergo six months simple imprisonment and the same was confirmed by the learned Additional District and Sessions Judge, Theni District at Periyakulam in Crl.A No. 23 of 2015 dated 26.02.2018 pending disposal of the above Criminal Revision petition.

Prayer in CRL MP(MD) . 3909/ 2018 :

To exempt the petitioner from surrendering before the District Munsif Cum Judicial Magistrate, Bodinayakkanur in C.C.No. 211 of 2012 dated 12.08.2015 and the same was confirmed by the Learned Additional District and Sessions Judge, Theni District at Periyakulam in C.A.No. 23 of 2015 dated 26.02.2018 pending disposal of the above Criminal Revision Petition.

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

Heard Mr.R.Manickam, learned counsel appearing for the petitioner.

2.It is seen that the petitioner has been convicted by the learned District Munsif cum Judicial Magistrate, Bodinayakkanur in C.C.No.211 of 2012 for the offence under Section 138 r/w. 142 of



Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay compensation of Rs.5,00,000/- (Rupees Five Lakhs only), for cheque amount within a period of three months from the date of the Judgment, by Judgment dated 12.08.2015.

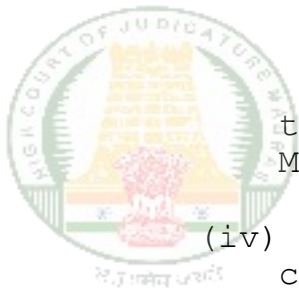
3.As against the said conviction and sentence, the petitioner has preferred an appeal in CrI.A.No.23 of 2015 before the learned Additional District and Sessions Court, Theni. The first appellate Court has also confirmed the conviction and sentence, by judgment dated 26.02.2015, aggrieved by which, the petitioner has preferred a revision in CrI.R.C.No.289 of 2018. Along with the revision, he has filed the present applications for suspension of sentence pending disposal of the said revision and for exemption of his surrender pursuant to the aforesaid Judgment.

4.On the side of the petitioner, it is stated that the petitioner is having arguable points for the revision and he prayed for suspension of sentence till the disposal of the revision and for exemption of his surrender before the aforesaid Courts.

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 District Munsif cum Judicial Magistrate, Bodinayakanur 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 shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to the credit of C.C.No.211 of 2012, before



the learned District Munsif cum Judicial Magistrate, Bodinayakkanur, before 27.06.2018; and

(iv) On such deposit, the learned District Munsif cum Judicial Magistrate, Bodinayakkanur, shall re-deposit the sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand 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.289 of 2018.

(v) The petitioner is not exempted from surrendering before the trial Court for the purpose of furnishing sureties.

7. Post on 28.06.2018 'for reporting compliance'.

sd/-
06/06/2018

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI DISTRICT AT PERIYAKULAM.
2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
BODINAYAKKANUR.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

+1. C.C. to Mr.R.MANICKAM, Advocate SR.No.10004

ORDER IN
CRL MP(MD) Nos.3907 and 3909 of 2018
IN CRL RC(MD) No.289 of 2018
Date :06/06/2018

MS/PN/ASVM/11.06.2018/3P.5C