



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

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CRL MP(MD) No.3920 and 3921 of 2018
IN
CRL RC(MD) No.293 of 2018

KARUPPIAH

... PETITIONER / PETITIONER
(in both petitions)

Vs

AZHAGAPPAN

... RESPONDENT / RESPONDENT
(in both petitions)

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence pursuant to the judgment of conviction render by the I Additional District & Sessions Judge(PCR), Tiruchirappalli, in C.A.No. 87/2017 dated 05/04/2018, by confirming the judgment in C.C.No. 400/2013 dated 28/08/2017 on the file of Judicial Magistrate No.VI, Tiruchirappalli, pending disposal of the above Criminal Revision petition.

Prayer in CRL MP(MD) . 3921/ 2018 :

To exempt of my surrender pursuant to the judgment of conviction render by the I Additional District & Sessions Judge (PCR), Tiruchirappalli, in C.A.No.87/2017 dated 05/04/2018, by confirming the judgment in C.C.No.400/2013 dated 28/08/2017 on the file of Judicial Magistrate No.VI, Tiruchirappalli, pending disposal of the above Criminal Revision petition.

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

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

heard Mr.J.Jeyakumar, learned counsel appearing for the petitioner.



2.It is seen that the petitioner has been convicted by the learned Judicial Magistrate No.VI, Thiruchirappalli in C.C.No.400 of 2013 for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay compensation of Rs.2,00,000/- (Rupees Two Lakhs only), to the complainant, and in default to undergo three month simple imprisonment, by judgment dated 28.08.2017.

3.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.87 of 2017 before the I Additional District and Sessions Court, Thiruchirappalli. The first appellate Court has also confirmed the conviction and sentence, by judgment dated 05.04.2018, aggrieved by which, the petitioner has preferred a revision in Crl.R.C.No.293 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.

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 No.VI, Tiruchirappalli 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.

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(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.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.400 of 2017, before the learned Judicial Magistrate No.VI, Tiruchirappalli, before 21.06.2018; and

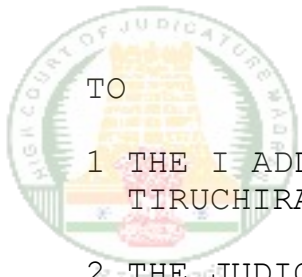
(iv) On such deposit, the learned Judicial Magistrate No.VI, Tiruchirappalli, shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakh only) in any Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI. R.C.(MD)No.293 of 2018.

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

7. Post on 22.06.2018 'for reporting compliance'.

sd/-
06/06/2018

/ TRUE COPY /



TO

1 THE I ADDITIONAL DISTRICT & SESSIOND JUDGE (PCR),
TIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE No.VI,
TIRUCHIRAPALLI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

+1. C.C. to Mr.J.JEYAKUMARAN, Advocate SR.No.9696.

ORDER

IN

CRL MP(MD) No.3920 and 3921 of 2018

IN

CRL RC(MD) No.293 of 2018

Date :06/06/2018

SDS/PN/VK/12.06.2018/4P/5C