



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

Wednesday, the Sixth day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.3959 and 3960 of 2018

IN

CRL RC(MD) No.296 of 2018

DHANAPAL

... PETITIONER / PETITIONER
IN BOTH THE PETITIONS

Vs

1 THE STATE REPRESENTED BY
THE PUBLIC PROSECUTOR
NAGERCOIL, KANYAKUMARI DISTRICT

2 RAJESWARI

... RESPONDENTS / RESPONDENTS
IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD)No.3959/18:-

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence in judgement made in C.A.No.123/2007 on the file of Mahila Fast Track Court, Nagercoil dated 09/03/2018 confirming the judgement made in STC.No.565/2005 on the file of the Judicial Magistrate No.III, Nagercoil dated 01/06/2007 pending disposal of the above Crl.RC.

Prayer in CRL MP(MD). 3960/ 2018 :

To exempt the petitioner from surrender as per the judgement made in C.A.No.123/2007 on the file of Mahila Fast Track Court, Nagercoil dated 09/03/2018 confirming the judgement made in STC.No.565/2005 on the file of the Judicial Magistrate No.III, Nagercoil dated 01/06/2007 convicting the petitioner for an offence under Section 138 of Negotiable Instrument Act and sentence him to undergo one year Rigorous Imprisonment and pay compensation of the cheque amount to the complainant under Section 357 (3) of Cr.P.C., in default he shall undergo 3 months simple imprisonment and allow the Criminal Revision Petition and pass such further or other order and may deemed fit in the facts and circumstances of the case 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.T.SELVARUMARAN, Advocate for the petitioner and the court made the following order:-



Heard Mr.T.Selvakumaran, learned counsel appearing for the petitioner.

2.It is seen that the petitioner has been convicted by the learned Judicial Magistrate NO.III, Nagercoil in S.T.C.No.565 of 2005 for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo one year rigorous imprisonment and to pay compensation of the cheque amount, by Judgment dated 01.06.2007.

3.As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.123 of 2007 before the learned Mahila Fast Court, Nagercoil. The first appellate Court has also confirmed the conviction and sentence, by judgment dated 09.03.2018, aggrieved by which, the petitioner has preferred a revision in Crl.R.C.No.296 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 Judicial Magistrate NO.III, Nagercoil 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.7,00,000/- (Rupees Seven Lakhs only) to the credit of S.T.C.No.565 of 2005, before the learned Judicial Magistrate NO.III, Nagercoil, before 03.07.2018; and

(iv) On such deposit, the learned Judicial Magistrate No.III, Nagercoil, shall re-deposit the sum of Rs.7,00,000/- (Rupees Seven Lakhs 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.296 of 2018.

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

7. Post on **04.07.2018** 'for reporting compliance'.

sd/-

06/06/2018

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

TO

- 1 THE JUDGE,
MAHILA FAST TRACK COURT, NAGERCOIL
- 2 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL, KANYAKUMARI DISTRICT
- 3 DO-THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL
- 4 THE PUBLIC PROSECUTOR
NAGERCOIL, KANYAKUMARI DISTRICT

+1. C.C. to M/S.T.SELVAKUMARAN Advocate SR.No.9625

mrn

JAM/08/06/2018/ PN/VK 3p-6c

ORDER

IN

CRL MP(MD) Nos.3959 and 3960 of 2018

IN

CRL RC(MD) No.296 of 2018

Date :06/06/2018