



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

Thursday, the Fifth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4708 AND 4709 of 2018

IN

CRL RC(MD) No.339 of 2018

RAMAR,

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED (SINGEL)

Vs

SENTHIL KUMAR,

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the Learned Principal Sessions Judge, Trichirappalli, Trichirappalli District in C.A.No.65/2016 dated 21/08/2017, whereby confirming the conviction and sentence imposed by the Learned Judicial Magistrate, Manapparai, Trichy in STC.No.26/08/2016 pending disposal of the above Crl.R.C.

Prayer in CRL MP(MD). 4709/ 2018 :

To grant exemption to the petitioner from surrendering pursuant to the sentence imposed by the Learned Principal Sessions Judge, Trichirappalli, Trichirappalli District in C.A.No.65/2016 dated 21/08/2017, whereby confirming the conviction and sentence imposed by the Learned Judicial Magistrate, Manapparai, Trichy in STC.No.26/08/2016 pending disposal of the above Crl.R.C

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.S.BALAJI, Advocate for the petitioner and of Mr.A.JOEL PAUL ANTONY, Advocate for the Respondent the court made the following order:-

Heard Mr.S.Balaji, learned counsel appearing for the petitioner and Mr.A.Joel Paul Antony, learned counsel appearing for the respondent.

2.The petitioner borrowed a sum of Rs.4,00,000/- from the respondent on 19.02.2015 and in order to discharge his liability, he issued cheque leaves on 22.05.2015 for a sum of Rs.1,00,000/- and



another as 22.06.2015 for a sum of Rs.50,000/-. When the respondent presented the cheques for encashment, the cheques were returned as 'Insufficient Fund'. Therefore, the respondent has preferred a complaint under Section 138 of Negotiable Instruments Act.

3.It is seen that the petitioner has been convicted by the learned Judicial Magistrate, Manapparai, in S.T.C.No.14 of 2016 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay a sum of Rs.1,50,000/- (Rupees One lakh Fifty Thousand Only), in default to undergo two months simple imprisonment, by judgment dated 26.08.2016.

4.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.65 of 2016 before the learned Principal Sessions Judge of Tiruchirappalli. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 21.08.2017, aggrieved by which, the petitioner has preferred a revision in Crl.R.C.No.339 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.

5.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 pursuant to the aforesaid Judgment.

6.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 to put forth his case in this revision petition.

7.The petitioner has already deposited a sum of Rs.1,00,000/- before the learned Judicial Magistrate and he has also produced a receipt to that effect. Therefore, sentence is suspended till 23.07.2018 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.

8. Post the main Criminal Revision **23.07.2018**, for arguments.

sd/-
05/07/2018

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE
TRICHIRAPPALLI, TRICHIRAPPALLI DISTRICT
- 2 THE JUDICIAL MAGISTRATE
MANAPPARAI, TRICHY DISTRICT
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

COPY TO : THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.BALAJI Advocate SR.No.12392

GJM/CSL/ASVM/17.7.18-3P-6C

ORDER
IN
CRL MP (MD) No.4708 &
4709 of 2018
IN
CRL RC (MD) No.339 of 2018
Date : 05/07/2018