



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

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP (MD) No.7107 of 2018

IN

CRL RC (MD) No.515 of 2018

MR.A.MUTHURAJ

... PETITIONER/PETITIONER

Vs

S.GURUSAMY

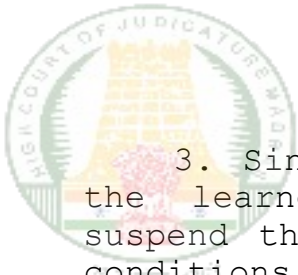
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed by the Principal District and Sessions Court, Virudhunagar at Srivilliputhur in C.A.No.13/2015 dated 13/06/2018, confirming the conviction and sentence imposed by the Judicial Magistrate Court, Rajapalayam in C.C.No.178/2013 dated 20/01/2015 and enlarge the petitioner/accused on bail pending disposal of the above Crl.R.C.

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

The petitioner is the sole accused in C.C.No.178 of 2013 on the file of the Judicial Magistrate Court, Rajapalayam. By judgment dated 20.01.2015, he has been convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/- in default, to undergo simple imprisonment for three months. Challenging the same, he has filed an appeal in C.A No.13 of 2015 on the file of the Principal District and Sessions Court, Virudhunagar at Srivilliputtur and the appellate Court has confirmed the order of the trial court by judgment dated 13.06.2018. Challenging the same, the petitioner is before this Court with Crl.R.C.(MD) No.515 of 2018. Pending disposal of the same, the petitioner has come forward with this petition seeking suspension of substantive sentence of imprisonment.

2. Heard the learned counsel appearing for the petitioner and also perused the records carefully.



3. Since certain arguable points have been raised by the learned counsel for the petitioner, this Court is inclined to suspend the substantive sentence of imprisonment on the following conditions:-

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(i) The petitioner herein shall deposit a sum of Rs.1,00,000/- to the credit of C.C.No.178 of 2013 on the file of the Judicial Magistrate Court, Rajapalayam, on or before 10.10.2018.

(ii) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam.

(iii) The petitioner shall report before the learned Judicial Magistrate, Rajapalayam on the first working day of every English Calender month at 10.30 a.m., until further orders."

5.Post the matter on 11.10.2018.

sd/-
06/09/2018

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR

2 THE JUDICIAL MAGISTRATE, RAJAPALAYAM

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

+1. C.C. to M/S.M.KARTHIKEYA VENKITACHALAP, Advocate SR.No.

ORDER
IN
CRL MP (MD) No.7107 of 2018
IN
CRL RC (MD) No.515 of 2018
Date :06/09/2018