



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

Wednesday, the Twelfth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP (MD) No.7324 of 2018
IN
CRL RC (MD) No.528 of 2018

MANAVALAN

... PETITIONER/ PETITIONER

Vs

K.N.MAHENDRAN

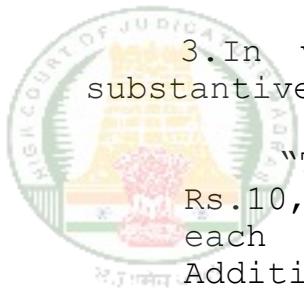
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the Learned Additional District and Sessions Judge, Fast Track Court, Kumbakonam dated 09/04/2018 made in C.A.No.53/2016 confirming the judgement passed by the Learned 1st Additional District Munsif cum Judicial Magistrate, Kumbakonam in STC.No.386/2006 dated 06/10/2016 and 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.B.JAMEEL ARASU, Advocate for the petitioner and of Mr.R.VENKATESAN, Advocate for the respondent, While admitting the CRL RC, the court made the following order:-

Today the petition to condone the delay of 37 days in preferring the criminal revision case is allowed. Pending admission of criminal revision case the petition to suspend the sentence is taken up for consideration, in view of the fact that, the petitioner herein is in jail.

2.The matter is arising out of conviction under Section 138 of Negotiable Instruments Act, for dishonoring the cheque of Rs.75,000/-. The trial Court has imposed six months rigorous imprisonment on the petitioner and pay a sum Rs.75,000/- as compensation. Against which, the petitioner preferred appeal before the Additional District and Sessions Judge, Fast Track Court, Kumbakonam. Against the concurrent Judgments of the Courts below, the petitioner has filed this revision with a delay of 37 days. This Court, vide order dated 28.08.2018, has allowed the petition seeking condonation of delay on condition that the petitioner shall deposit a sum of Rs.35,000/- before the Trial Court. Pursuant to the said order passed by this Court, the petitioner herein has already deposited Rs.35,000/- in S.T.C.No.386 of 2006.



3. In view of that, this Court is inclined to suspend the substantive sentence of imprisonment on the following conditions:-

"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 First Additional District Munsif cum Judicial Magistrate, Kumbakonam and on further condition that the petitioner shall report before the First Additional District Munsif cum Judicial Magistrate, Kumbakonam on the first working day of every English calendar month at 10.30 a.m. until further orders."

sd/-
12/09/2018

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FAST TRACK COURT, KUMBAKONAM.
2. THE FIRST ADDITIONAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KUMBAKONAM.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
4. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. C.C. to Mr.B.JAMEEL ARASU Advocate SR.No.17462

ORDER
IN
CRL MP (MD) No.7324 of 2018
IN
CRL RC (MD) No.528 of 2018
Date :12/09/2018

MS/MMS/SAR-1/12.09.2018/2P.6C