



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

Wednesday, the Tenth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.8120 of 2018

IN

CRL RC(MD) No.572 of 2018

E.SUBRAMANIYAN

... PETITIONER/REVISION PETITIONER

Vs

P.SIVAMANI

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgement dated 11/08/2016 in C.A.No.32/2014 on the file of the Learned 1st Additional Sessions Court, Tirunelveli confirming the Judgement by the Learned Judicial Magistrate No.I, Tirunelveli in STC.No.1551/2007 dated 06/03/2014 and enlarge the petitioner/appellant 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.P.SENTHUR PANDIAN, Advocate for the petitioner, While admitting the Crl. Rc., the court made the following order:-

Learned counsel appearing for the revision petitioner submits that pursuant to the judgment passed by the Judicial Magistrate I, Tirunelveli in S.T.C.No.1551 of 2007 dated 06.03.2014 and the same was confirmed by the First Additional Sessions Court, Tirunelveli in Crl.A.No.32 of 2014 on 11.08.2016.

2. The complainant and the accused entered into a compromise on 14.11.2016, whereby, as against the cheque amount of Rs.35,000/-, the revision petitioner/accused paid Rs.40,000/- by way of Demand Draft and both the parties decided not to proceed further. Therefore, the petitioner did not peruse the revision case filed before the Madurai Bench of Madras High Court. But unfortunately, the petitioner was arrested on 02.08.2018, pursuant to the judgment passed by the First Additional Sessions Court, Tirunelveli confirming the judgment passed by the Judicial Magistrate I, Tirunelveli in S.T.C.No.1551 of 2007 dated 06.03.2014.



3. Thereafter, an application to condone the delay in re-presentation was filed before this Court and considering the nature of this case, this Court was inclined to condone the delay.

4. Now, the learned counsel seeks for suspension of sentence imposed on the revision petitioner and the order of release for the petitioner on bail, pending disposal of the revision case, in the light of the payment he has already made to the complainant by virtue of the compromise memo dated 14.11.2016.

5. Pursuant to the deed of compromise memo dated 14.11.2016 annexed along with the typed set of papers, this Court finds that both the parties subsequent to the confirmation of conviction by the Appellate Court has entered into a compromise and the complainant has received Rs.40,000/- by way of Demand Draft.

6. In the light of the above statement and upcomment, this Court is of the opinion that the petitioner hereby is enlarged on bail, on the following conditions:-

(i) On furnishing a bond for Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Court No.I, Tirunelveli;

(ii) the petitioner/accused shall not tamper with investigation or trial and

(iii) on breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the petitioner released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in P.K.Shaji vs State of Kerala in 2005 AIR SCW 5560.

sd/-
10/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1,
TIRUNELVELI.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TIRUNELVELI.

<https://hcservices.ecourts.gov.in/hcservices/>
3 THE 1ST ADDITIONAL SESSIONS COURT,
TIRUNELVELI.



4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.P.SENTHUR PANDIAN Advocate SR.No.19356

ORDER
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IN
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Date :10/10/2018

JM/PN/SAR 1/10.10.2018/3P/7C