

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

Friday, the Twenty Eighth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3411 of 2019
IN CRL RC(MD) No.229 of 2019

M.RAVIKUMAR @ NAGULAN

... PETITIONER/ PETITIONER

Vs

S.MEERA

... 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 order passed in C.A.No.81 of 2018 on the file of the Principal Sessions Court, Kanyakumari at Nagercoil dated 14.12.2018 and confirming the conviction and sentence order passed in STC.No.1245 of 2015 on the file of the District Munsif Cum Judicial Magistrate Court, Boothapandi dated 31.05.2018 pending disposal of this Crl.RC.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.MANIMARAN, Advocate for the petitioner and of Mr.K.P.NARAYANAKUMAR, Advocate on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act, and sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.2,00,000/- (Rupees Two Lakhs only) to the complainant under Section 357(3) of Cr.P.C. read with 138 of the Negotiable Instrument Act, in default to undergo simple imprisonment for a period of three months in S.T.C.No.1245 of 2015, on the file of the learned District Munsif cum Judicial Magistrate, Bhoothapandy.

2.The learned Principal Sessions Judge, Kanyakumari at Nagercoil confirmed the conviction and sentence and dismissed the Criminal Appeal No.81of 2018, dated 14.12.2018.

3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing 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 District Munsif cum Judicial Magistrate Court, Boothapandy;

(ii) Since the cheque amount amount is Rs.2,00,000/- the petitioner is directed to deposit 50% of the same i.e a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of S.T.C.No.1245 of 2015, on the file of the learned District Munsif cum Judicial Magistrate, Bhoothapandy on or before 12.07.2019, failing which, this petition shall stand dismissed automatically without further reference to this Court;

(iii) and on further condition that the petitioner shall appear before the said Court on daily at 10.30 a.m pending revision.

sd/-

28/06/2019

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

TO

1. THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI AT NAGERCOIL

<https://hcservices.courts.gov.in/hcservices/>
2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
BOOTHAPANDI.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

+1. C.C. to M/S.R.MANIMARAN Advocate SR.No.10643

ORDER

IN

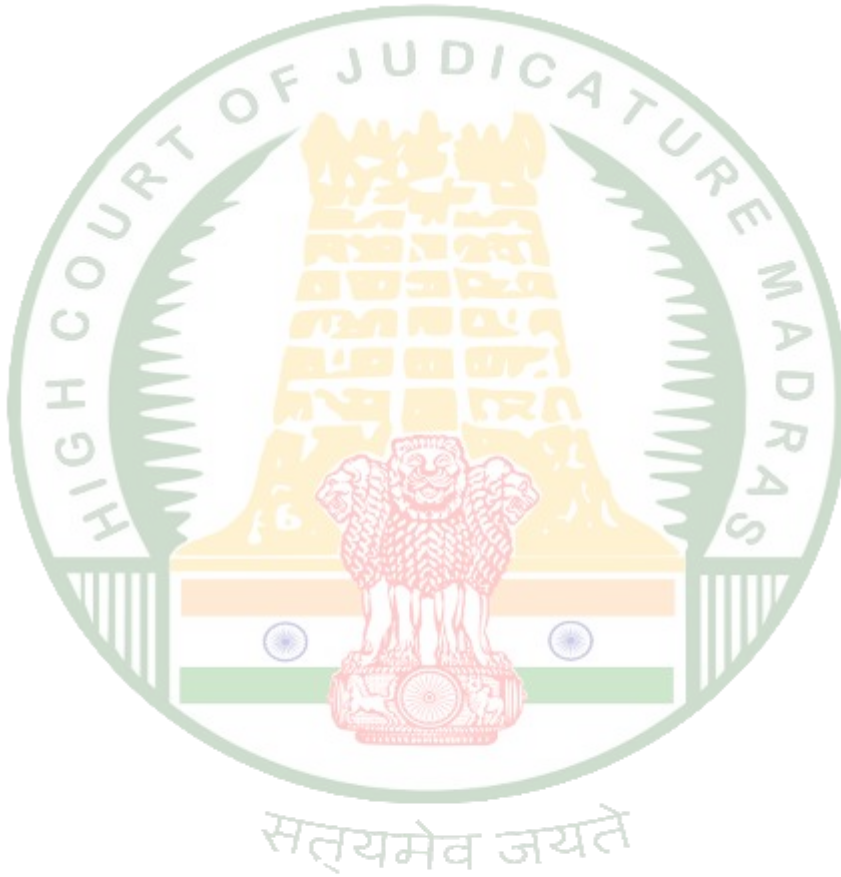
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Date :28/06/2019

MS/PN/SAR-3/03.07.2019/3P.5C



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