



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

Monday, the Twenty Second day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) Nos.3720 and 3721 of 2019
IN
CRL RC(MD) No.253 of 2019

G. SANTHOSHKUMAR

... PETITIONER/ PETITIONER
IN BOTH PETITIONS

Vs

S. RAMASAMY

... RESPONDENT/ RESPONDENT
IN BOTH PETITIONS

Prayer in CRL MP(MD) . 3720/ 2019 IN CRL RC(MD) No.253 of 2019:

To suspend the conviction and sentence of imprisonment passed in C.A.No.160/2017 on the file of the VI Additional Sessions Court, Madurai dated 15/03/2019 in reversing the judgment made in S.T.C.No.1246/2012 on the file of Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai dated 26/08/2014 and direct the petitioner to release on bail in the event of arrest till the disposal of the above said Criminal Revision Case.

Prayer in CRL MP(MD) . 3721/ 2019 IN CRL RC(MD) No.253 of 2019:

To exempt the petitioner to surrender before the Lower Appellate Court in C.A.No.160/2017 on the file of the VI Additional Sessions Court, Madurai dated 15/03/2019 in reversing the judgement made in S.T.C.No.1246/2012 on the file of Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai dated 26/08/2014 and pending disposal of the above Criminal Revision Case.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.JEYAPRAKASH, Advocate for the petitioner in both petitions, while admitting the CRL RC, the court made the following order:-

The learned counsel for the petitioner would submit that the petitioner herein has been acquitted by the trial Court for the alleged offence punishable under Section 138 of Negotiable Instrument Act, in S.T.C.No.1246 of 2012, on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magistrate Level, Madurai, dated 26.08.2014. Against the acquittal of the petitioner, the defacto complainant filed an appeal in C.A.No.160 of 2017 before the learned VI Additional Sessions Judge, Madurai.



2.The learned VI Additional Sessions Judge, Madurai, had convicted the accused and sentenced him to undergo one year rigorous imprisonment and to pay a compensation of Rs.1,50,000/- to the defacto complainant within a period of three months and allowed the Criminal Appeal No.160 of 2017,by judgment dated 15.03.2019.

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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.This Court has carefully considered the submissions made by the learned counsel for the petitioner and also perused the materials available on record.

5.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.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail till the disposal of the revision, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Fast Track Court at Magistrate Level, Madurai 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 as and when required for interrogation;
- (iii) The petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of S.T.C.No.1246 of 2012, before the learned Judicial Magistrate No.I, Fast Track Court at Magistrate Level, Madurai, failing which, this petition shall stand dismissed automatically without further reference to this Court.
- (iv) On such deposit, the learned Judicial Magistrate No.I, Fast Track Court at Magistrate Level, Madurai, shall re-deposit the sum of



Rs.75,000/- (Rupees Seventy Five Thousand only) in any Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl. R.C.(MD)No.253 of 2019.

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(v)The petitioner is not exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
22/04/2019

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

TO

- 1.THE VI ADDITIONAL SESSIONS JUDGE,
MADURAI.
- 2.THE JUDICIAL MAGISTRATE NO I,
FAST TRACK COURT AT MAGISTRATE LEVEL,
MADURAI.
- 3.THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

+1. C.C. to Mr.C.JEYAPRAKASH Advocate SR.No.6964

ORDER
IN
CRL MP(MD) Nos.3720 and
3721 of 2019 IN
CRL RC(MD) No.253 of 2019
Date :22/04/2019

TK/MMS/SAR-3/22.04.2019/3P/5C