



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

Monday, the Twenty Fourth day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3976 of 2019

IN

CRL RC(MD) No.272 of 2019

RAJENDRAN

... PETITIONER/ PETITIONER

Vs

BALASUBRAMANIYAN

... 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 in STC.No.17 of 2016 on the file of the Judicial Magistrate Fast Track Court, Pattukottai, dated 25.06.2018 and conformed in C.A.No.57 of 2018 on the file of the III Additional District & Sessions Judge, Thanjavur at Pattukottai dated 27.03.2019 and grant bail to the petitioner pending Crl.RC.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.A.EBENEZER, Advocate for the petitioner and of MR.P.THIRUMAHILMARAN, Advocate on behalf of the Respondent, the court made the following order:-

This Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the III Additional District & Sessions Judge, Thanjavur @ Pattukottai, in C.A.No.57 of 2018, dated 27.03.2019, confirming the sentence imposed in STC No.17 of 2016, dated 25.06.2018 by the Judicial Magistrate Fast Track Court, Pattukottai, pending disposal of the criminal revision.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial court for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo two years SI and directed to pay compensation of Rs.12,00,000/-, in default to undergo 6 months SI. Aggrieved by the judgment of the trial court, the petitioner preferred appeal in C.A.No.57 of 2018 on the file of the III Additional District & Sessions Judge, Thanjavur @ Pattukottai. The learned first appellate court had also confirmed the judgment of the trial court, by judgment, dated 27.03.2019. Aggrieved over the same, the petitioner is before this court.



3.It is submitted by the learned counsel for the petitioner that there are several infirmities and material contradictions in this case and that the petitioner is a senior citizen and he is ready to abide by any condition that may be imposed by this court.

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4.It is submitted by the learned counsel appearing for the respondent that there are enough materials available on record against the petitioner/accused and both the courts below has rightly convicted 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 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 revision and further the 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, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he executes 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 Judicial Magistrate Fast Track Court, Pattukottai and on further condition that the petitioner shall deposit **Rs.4,00,000/- (Rupees Four Lakhs only)** to the credit of STC No.17 of 2016 on the file of the Judicial Magistrate Fast Track Court, Pattukottai, within a period of two weeks from the date of receipt of a copy of this order and on further condition that the petitioner shall appear before the said court on the first working day of every month at 10.30 am, pending revision.

sd/-
24/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
FAST TRACK COURT, PATTUKOTTAI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE III ADDITIONAL DISTRICT &
SESSIONS JUDGE,
THANJAVUR AT PATTUKOTTAI.

+1. C.C. to M/S.T.A.EBENEZER, Advocate SR.No. 10303
+1. C.C. to M/S.P.THIRUMAHILMARAN, Advocate SR.No. 10301

ORDER
IN
CRL MP (MD) No.3976 of 2019
IN
CRL RC (MD) No.272 of 2019
Date :24/06/2019

JM/VR/SAR 4/27.06.2019/3P/6C