

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.4399 of 2019

IN

CRL RC(MD) No.296 of 2019

MURUGANANTHAM

... PETITIONER/ APPELLANT/
SINGLE ACCUSED

Vs

SENTHILNATHAN

... RESPONDENT/ RESPONDENT/
COMPLAINANT

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 CC.No.233 of 2014 dated 07.08.2018 by the Judicial Magistrate (Fast Track Court at Magistrate Level), Pattukkottai confirmed in Crl.A.No.96 of 2018 dated 31.01.2019 by the III Additional District and Sessions Judge, Thanjavur at Pattukkottai and enlarge the petitioner on bail disposal of main criminal revision petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.RAVI, Advocate for the petitioner, While admitting the CRL RC., the court made the following order:-

The present revision is arising out of the conviction and sentence imposed against this petitioner in Crl.A.No.96 of 2018 dated 31.01.2019 by the learned III Additional District and Sessions Judge, Thanjavur, by confirming the judgment in C.C.No.233 of 2014 dated 07.08.2018 on the file of the learned Judicial Magistrate (Fast Track Court-Magistrate Level), Pattukottai, wherein this petitioner was found guilty for the offences punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a compensation of Rs.53,000/- (Rupees Fifty Three Thousand only) to the complainant under Section 357(3) of the Code r/w. 138 of N.I. Act in default to undergo further period of two months simple imprisonment.

2.The learned counsel appearing for the petitioner would submit that the complainant did not say on which date he lend the money to the petitioner which is fatal to the case of the prosecution.

Further, the complainant did not produce any receipt for the payment of Rs.1,60,000/-, except the cheque, which creates doubt over the case of the prosecution.

4. Apart from these grounds, this petitioner has also made out certain other grounds in the revision. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate (Fast Track Court-Magistrate Level), Pattukottai, and on further condition that

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 said Court at 10.30 a.m. on the first working day of every English Calendar month, until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

(iii) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of C.C.No.233 of 2014 before the learned Judicial Magistrate (Fast Track Court-Magistrate Level), Pattukottai.

(iv) On such deposit, the learned Judicial Magistrate (Fast Track Court-Magistrate Level), Pattukottai, shall re-deposit the sum of Rs.20,000/- (Rupees Twenty Thousand only) in any Nationalised Bank, so that, the amount with accrue interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI. R.C.(MD)No.296 of 2019.

sd/-
16/05/2019

/ 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-MAGISTRATE LEVEL),
PATTUKOTTAI.

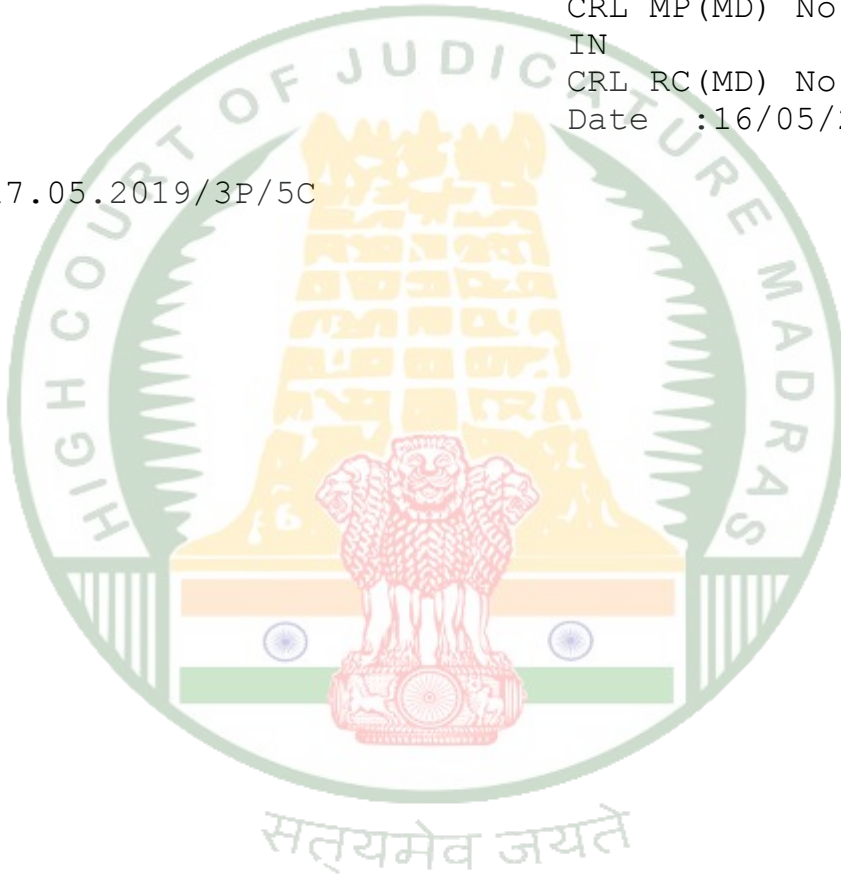
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR AT PATTUKKOTTAI.

+1. C.C. to M/S.S.RAVI Advocate SR.No. 8660

ORDER
IN
CRL MP (MD) No.4399 of 2019
IN
CRL RC (MD) No.296 of 2019
Date :16/05/2019

JM/PN/SAR 3/17.05.2019/3P/5C



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