

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.4401 of 2019
IN
CRL RC(MD) No.297 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.152 of 2014 dated 07.08.2018 by the Judicial Magistrate (FTC at ML), Pattukkottai confirmed in Crl.App.No.95 of 2018 dated 31.01.2019 by the III Additional District and Sessions Judge, Thanjavur at Pattukkottai and enlarge the petitioner on bail pending 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 case is arising out of the conviction and sentence imposed against this petitioner in Crl.A.No.95 of 2018 dated 31.01.2019 by the learned III Additional District and Sessions Judge, Thanjavur, by confirming the judgment in C.C.No.152 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 have been convicted under Section 255(2) of the Code and sentenced to undergo simple imprisonment for one year and he is directed to pay a compensation of Rs.55,000/- (Rupees Fifty Five 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 the complainant did not say on which date he lend 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.1,00,000/- 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 case. Having regard to the fact that there are arguable points involved in the revision case and further, the revision case 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 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. The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of C.C.No.152 of 2014 before the learned Judicial Magistrate (Fast Track Court-Magistrate Level), Pattukottai. 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 accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI. R.C.(MD)No.297 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,
(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 PATTUKOTTAI.

+1 CC to M/s.S.RAVI, Advocate (SR-8661[I] dated 17/05/2019)

ORDER IN
CRL MP(MD) No.4401 of 2019
IN
CRL RC(MD) No.297 of 2019
Date :16/05/2019