



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

Friday, the Thirtieth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3355 of 2019
in
CRL RC(MD) .NO.221 of 2019

M.CHENDURAN,

... REVISION PETITIONER/ACCUSED

Vs

G.SAHAYARAJ

... 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 passed in CA 96/2017 dated 29.08.2018 on the file of the II Additional District and Sessions Judge, Tuticorin confirming the Judgment and sentence order passed in C.C.No.343/2012 on the file of the Fast Track Magistrate Level, Tuticorin.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.KA.RAAMAKRISHINAN, Advocate for the petitioner and of MR.T.PON RAMKUMAR, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed in C.A.No.96 of 2017, dated 29.08.2018 by the II Additional District and Sessions Judge, Tuticorin, confirming the judgment passed in C.C.No.343 of 2012 by the Fast Track Magistrate Level, Tuticorin, pending disposal of the criminal revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial court and sentenced him to undergo one year SI and to pay the cheque amount of Rs.2,00,000/- (Rupees Two Lakhs only) as compensation within two months, in default to undergo a sentence of further period of one month. Aggrieved by the judgment of the trial court, the petitioner preferred appeal before first appellate court, which was also confirmed the findings of the trial court. It is further submitted that the complainant has not proved his source of income to lend the money to the petitioner and as per the legal notice, the disputed cheque was already in the hands of the complainant as he does not



say in the legal notice that the cheque was issued, but he has only stated that the cheque was executed by the petitioner and prays for suspension of sentence.

3.The learned counsel appearing for the respondent submitted that both the courts below have concurrently given findings, which does not require any interference by this court and prays for dismissal of this petition.

4.This court has carefully considered the rival contentions put forth on either side 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, 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 shall execute 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 (Magisterial Level), Thoothukudi and on further condition that the petitioner shall deposit 20% of the cheque amount to the credit of C.C.No.343 of 2012 on the file of the Judicial Magistrate Fast Track Court, Thoothukudi, 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 daily at 10.30 am pending revision.

sd/-
30/08/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
FAST TRACK COURT (MAGISTERIAL LEVEL),
THOOTHUKUDI.

<https://hcservices.ecourts.gov.in/hcservices/>



2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI DISTRICT.

WEB COPY

+1. C.C. to MR.T.PON RAMKUMAR, Advocate SR.No.14598

+1CC TO MR.KA.RAMAKRISHNAN, Advocate in SR.No.14541

ORDER

IN

CRL MP (MD) No.3355 of 2019

in

CRL RC (MD) .NO.221 of 2019

Date :30/08/2019

AE/JC/SAR-II (05.09.2019) 3P 6C