



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

Friday, the Thirteenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice V.PARTHIBAN

CRL MP(MD) Nos.6686 & 6687 of 2019

IN

CRL RC(MD) No.488 of 2019

1 M/S.KARTHICK RAAM ASSOCITES
NO.41, GOMATHIAPURAM 3RD STREET,
SANKARANKOIL REP BY VIJAY SHANKAR

2 VIJAYSHANKAR, MANAGING PARTNER,
M/S.KARTHICK RAAM ASSOCIATES, NO.41,
GOMATHIAPURAM 3RD STREET, SANKARANKOIL... PETITIONERS/PETITIONERS
IN BOTH PETITIONS

Vs

1 VEERAMMAL
2 S.CHITRA
3 C.MANIKANDAN
4 C.ASHOK KUMAR @ PANDI
5 R.LEELA
6 C.PARAMASARWESHWARAN

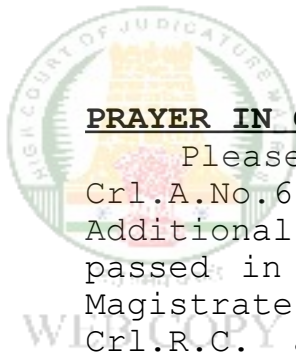
... RESPONDENTS/RESPONDENTS
IN BOTH PETITIONS

PRAYER IN CRL MP(MD) No.6686 OF 2019

Pleased to suspend the order of conviction and sentence of SI for a period of 1 year imposed on the 2nd petitioner by the Judicial Magistrate, Rajapalayam in STC.No.3168/2008 dated 19.04.2013, which was confirmed by the Additional District Judge, Srivilliputhur in Crl.A.No.68/13 dated 1.7.19, pending disposal of the above Crl.R.C.and thus render justice.

PRAYER IN CRL MP(MD) No.6687 of 2019

Pleased to exempt the petitioner to surrender in connection with the sentence passed by the Learned Judicial Magistrate, Rajapalayam in S.T.C.No.3168/08 dated 19.04.13, which was confirmed by the Learned Additional District Judge, Srivilliputhur in Crl.A.No.68/13 dated 1.7.19, pending disposal of the above Crl.R.C. and thus render justice.



PRAYER IN CRL RC(MD) No.488 of 2019

Pleased to call for the entire records pertaining to Crl.A.No.68 of 2013 dated 01.07.2019 on the file of the Learned Additional District Judge, Srivilliputhur, confirming the judgment passed in S.T.C.No.3168/2008 on the file of the Learned Judicial Magistrate, Rajapalayam and to set aside the same by allowing this Crl.R.C. and render justice.

Order : These petition coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.M.THIRUNAVUKKARASU, Advocate for the petitioners in the both petitions and of Mr.K.Rajeshwaran, Advocate the Respondents, the court made the following order:-

The petitioners/Accused were tried before the Judicial Magistrate Rajapalayam, in S.T.C.No.3168/2009 and since the petitioner No.1/accused 1 is a Company, it was not found guilty. The petitioner No.2/accused 2 was found guilty u/s 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for 1 year and pay a fine of Rs.1,000/- in default to undergo simple imprisonment for three months. Against the said conviction and sentence, the petitioner preferred appeal before the Court of Additional District Judge, Srivilliputhur in Crl.A.No.68/2013 which was dismissed, confirming the conviction and the sentence, passed by the trial court. Aggrieved by the said conviction and sentence, the present revision has been preferred.

2. Learned counsel appearing for the petitioners submits that there are infirmities and inconsistencies in the testimony of the prosecution witnesses and the petitioners have a bright chance of succeeding in the revision and, hence, prays for suspension of sentence of imprisonment.

3. Per contra, Ms.M.Anantha Devi, learned Government Advocate (Crl. Side), appearing for the respondent submitted that the prosecution, through cogent and convincing testimony, has proved the offence committed by the accused and the courts below, on proper appreciation of the oral and documentary evidence has convicted and sentenced the accused and, therefore, this petition for suspension of sentence is liable to be dismissed.

4. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

5. On a consideration of the submissions of either side and taking into consideration the fact that the appeal is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case for grant of suspension of sentence of imprisonment. Accordingly, this Court is inclined to suspend the substantive sentence of imprisonment imposed on the petitioners/accused.



6. Accordingly, the miscellaneous petitions are allowed and the substantive sentence of imprisonment alone stands suspended pending disposal of the revisions and the petitioner/accused No.2 is directed to be enlarged on bail on condition that the petitioner/accused No.2 executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the Judicial Magistrate, Rajapalayam, and on further condition that the petitioner/accused No.2 shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders. Consequent upon the above order of suspension, the petitioner/accused No.2 is also exempted from surrendering before the concerned Court, until further orders.

sd/-
13/09/2019

/ TRUE COPY /

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

TO

1.The Additional District Judge,
Srivilliputhur.

2.The Judicial Magistrate, Rajapalayam

3.-do-thro-The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate
(SR-15358[I] dated 13/09/2019)

+1 CC to M/s.K.RAJESHWARAN, Advocate
(SR-15468[I] dated 16/09/2019)

ORDER
IN
CRL MP(MD) Nos.6686, 6687
of 2019
IN
CRL RC(MD) No.488 of 2019
Date :13/09/2019

VS
ES/PN/SAR 2/17.09.2019/3P/6C