



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) No.7676 of 2019

IN

CRL RC(MD) No.626 of 2019

B. MUTHUSAMY

... PETITIONER/PETITIONER

Vs

S. LOGANATHAN

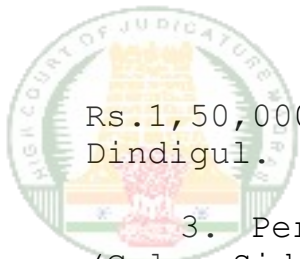
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of the petitioner imposed in judgment dated 04.05.2018 in C.C.No.7 of 2016, on the file of Judicial Magistrate No.I, which was confirmed by the Judgment dated 25.03.2019 in CrI.A. NO.39 of 2018 on the file of the Principal Sessions Judge, Dindigul and enlarge the petitioner on bail.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. V. KARUNA, Advocate for the petitioner and of Respondent not appeared either in person or an Advocate the court made the following order:-

The petitioner/Accused was tried before the Judicial Magistrate No.I, Dindigul, in C.C.No.7/2016 and found guilty u/s 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for 6 months and pay a fine of Rs.5,00,000/- in default to undergo simple imprisonment for two months. Against the said conviction and sentence, the petitioner preferred appeal before the Court of Principal Sessions Judge, Dindigul in CrI.A.No.39/2018 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 petitioner submits that there are infirmities and inconsistencies in the testimony of the prosecution witnesses and the petitioner has a bright chance of succeeding in the revision and, hence, prays for suspension of sentence of imprisonment. He further submits that during the trial in CrI.A.No.39 of 2018, he has deposited a sum of



Rs.1,50,000/- on the file of the learned Judicial Magistrate No.I, Dindigul.

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 revision 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 petitioner/accused.

6. Considering the fact that the petitioner has already deposited a sum of Rs.1,50,000/- before the trial court, during pendency of the appeal, the miscellaneous petition is allowed and the substantive sentence of imprisonment alone stands suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that the petitioner executes a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, No.I, Dindigul, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month 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 PRINCIPAL SESSIONS JUDGE,
DINDIGUL.

2 THE JUDICIAL MAGISTRATE, NO.I,

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



3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S. V. KARUNA Advocate SR.No.15330

ORDER

IN

CRL MP(MD) No.7676 of 2019

IN

CRL RC(MD) No.626 of 2019

Date :13/09/2019

TR/PN/SAR-II (17.09.2019) 3P 7C