



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

Monday, the Second day of March Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) Nos.229 and 264 of 2020
IN
CRL RC(MD) No.28 of 2020

M.PONNUSAMY

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED
IN BOTH THE PETITIONS

Vs

S.CHANDRASEKARAN

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD)No.229/2020 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order to suspend the sentence imposed on the petitioner by means of a judgment dated 27.11.2019 made in C.A.No.37/2018 passed by the Hon'ble Fast Track Mahila Judge, Dindigul, Dindigul District confirming the judgment of the learned Judicial Magistrate No.1, Dindigul, dated 13.04.2018 made in C.C.No.494 of 2010 for the offence as alleged to have been committed by the petitioner U/s.138 of negotiable Instrument Act, 1981, pending disposal of the above criminal Revision Petition.

Prayer in CRL MP(MD)No.264/2020 :

To exempt the Petitioner from being surrendered for undergoing judicial custody in connection with conviction and sentence imposed on him by a judgment dated 27.11.2019 made in C.A.No.37/2018 passed by the Hon'ble Fast Track Mahila Judge, Dindigul, Dindigul District confirming the Judgment of the learned Judicial Magistrate No.1, Dindigul, dated 13.04.2018 made in C.C.No.494 of 2010, pending disposal of the above criminal Revision Petition.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S S.PALANI VELAYUTHAM, Advocate for the petitioner in both the petitions and of Mr.SARVAGAN PRABHU, Advocate on behalf of the



Respondent in both the petitions, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act, and sentenced him to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.3,00,000/- in default to undergo simple imprisonment for a period of two months in C.C.No.494 of 2010, on the file of the learned Judicial Magistrate, No.I, Dindigul.

2.The learned Fast Track Mahila Judge, Dindigul, Dindigul District confirmed the conviction and sentence and dismissed the C.A.No.37 of 2018, dated 27.11.2019.

3.Heard both sides.

4.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5.This Court has carefully considered the rival contentions put forward by the learned counsel for the petitioner and also perused the materials available on record.

6.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.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing 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 learned Judicial Magistrate Court, No.I, Dindigul, Dindigul District.

(ii) Since the cheque amount is Rs.3,00,000/- the petitioner is directed to deposit 20% of the same i.e a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of C.C.No.494 of 2010, on the file of the learned Judicial Magistrate, No.I, Dindigul, within a



period of two weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the petitioner shall appear before the said Court on daily at 10.30 a.m pending revision.

8. The petitioner is exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
02/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE FAST TRACK MAHILA JUDGE, DINDIGUL.
2. THE JUDICIAL MAGISTRATE No.I, DINDIGUL.
3. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-4693[I] dated 03/03/2020)

+1 CC to Mr.S.SARVAGAN PRABHU, Advocate (SR-4690[I] dated 03/03/2020)

ORDER
IN
CRL MP(MD) Nos.229 & 264/2020
IN
CRL RC(MD) No.28 of 2020
Date :02/03/2020

DSS
TE/JC/SAR-IV : 05/03/2020 : 3P/6C