



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twenty First day of September Two Thousand Twenty

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.103 of 2020

IN

CRL RC(MD) No.16 of 2020

S.RAVICHANDRAN

... PETITIONER/PETITIONER

Vs

D.NAMPERUMAL

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the conviction and sentence imposed against the petitioner in C.A.No.37/2015, dated 23.10.2019 by the Learned Additional District and Sessions Court, Sivagangai, by confirming the sentence passed by the Learned Fast Track Court, Karaikudi in S.T.C.No.161/2013, dated 24.06.2015 and enlarge the petitioner on bail in pending disposal of the above 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.R.MATHIYALAGAN, Advocate for the petitioner and of Mr.S.SRINIVASA RAGHAVAN, Advocate on behalf of the Respondent, the court made the following order:-

It is seen that the petitioner was convicted by the Fast Track Court, Karaikudi, in S.T.C.No.161 of 2013 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year Rigorous Imprisonment and to pay a compensation of Rs.8,00,000/- (Rupees Eight Lakhs only), in default, to undergo two months simple imprisonment, by judgment dated 24.06.2015.

2.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.37 of 2015 before the learned Additional District and Sessions Judge, Sivagangai. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 23.10.2019. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.16 of 2020. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.



3.The learned counsel for the petitioner fairly conceded that the petitioner is ready and willing to deposit 20% of the compensation amount to the credit of S.T.C.No.161 of 2013, before the Fast Track Court, Karaikudi, without prejudice to his case.

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4.The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and considering the fact that the Criminal Revision Case is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i)the petitioner shall deposit of sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of S.T.C.No.161 of 2013, before the learned Judge, Fast Track Court, Karaikudi on or before 12.10.2020.

(ii)On deposit of the aforesaid amount, the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Fast Track Court, Karaikudi.

(iii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iv) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision or until further orders.

(v)On such deposit, the learned Judge, Fast Track Court, Karaikudi, shall re-deposit the sum of Rs.3,00,000/- (Rupees Three Lakhs 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 Crl. R.C.(MD) No.16 of 2020.



7.Post on **13.10.2020** 'for reporting compliance'.

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sd/-
21/09/2020

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

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI.

2.THE JUDGE, FAST TRACK COURT,
KARAIKUDI.

ORDER
IN
CRL MP (MD) No.103 of 2020
IN
CRL RC (MD) No.16 of 2020
Date :21/09/2020

MRN
TK/PN/SAR.2/22.09.2020/3P/3C