



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Fourth day of February Two Thousand Twenty

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.324 of 2020

IN

CRL RC(MD) No.39 of 2020

S.PANDIYAN

... PETITIONER/PETITIONER

Vs

R.RAJKUMAR

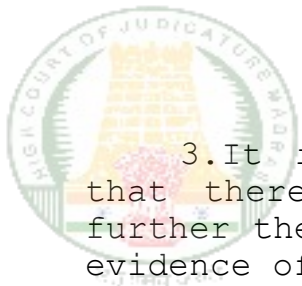
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspense the sentence imposed against the petitioner in made in Crl.A.No.2/2016 on the file of the Principal District and Sessions Judge, Pudukkottai dated 16.10.2019 confirming the judgment made in S.T.C.No.977/2011 on the file of Judicial Magistrate, Pudukkottai, dated 07.04.2015 convicting the petitioner for an offence under section 138 of Negotiable Instrument Act and sentence to undergo 6 months simple imprisonment.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.R.BHARATHIRAJA, Advocate for the petitioner and of MR.G.SRIDHARAN, Advocate on behalf of the Respondent, 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 in S.T.C.No.977 of 2011, on the file of the learned Judicial Magistrate, Pudukkottai.

2.The learned Principal District and Sessions Judge, Pudukkottai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.2 of 2016, dated 16.10.2019.



3.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.

WEB COPY

4.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side 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, Pudukkottai;

(ii) Since the cheque amount is Rs.7,00,000/- the petitioner is directed to deposit 20% of the same i.e a sum of Rs.1,40,000/- (Rupees One lakh Forty thousand only) to the credit of S.T.C.No.977 of 2011, on the file of the learned Judicial Magistrate, Pudukkottai 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.

sd/-

04/02/2020

/ TRUE COPY /

/ /2020

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



TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI
2. THE JUDICIAL MAGISTRATE, PUDUKKOTTAI.
3. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

+1 CC to M/s.A.V.RAJASEKARAN, Advocate (SR-2188[I] dated 04/02/2020)

+1 CC to M/s.G.SRIDHARAN, Advocate (SR-2221[I] dated 04/02/2020)

ORDER IN
CRL MP(MD) No.324 of 2020
IN
CRL RC(MD) No.39 of 2020
Date :04/02/2020

vsd

AE/PN/SAR-I (06.02.2020) 3P 6C