



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

Tuesday, the Twenty Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) Nos.630 and 631 of 2020
IN
CRL RC(MD) No.73 of 2020

K.MARIAPPAN

... PETITIONER/PETITIONER
IN BOTH PETITIONS

Vs

T.K.RAJARAJAN

... RESPONDENT/RESPONDENT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.630 of 2020 IN CRL RC(MD) No.73 of 2020:

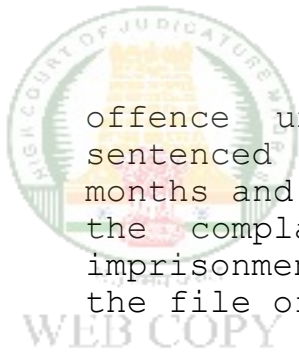
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the conviction and sentence imposed against the petitioner in C.A.No.5/2019 dated 07.08.2019 by the learned Additional District and Sessions Court, Karur by confirming the sentence passed in S.T.C.No.20/2016 before the learned Judicial Magistrate Court No.I, Kuzhithalai dated 20.12.2018 and enlarge the petitioner on bail in pending disposal of the above Criminal Revision Petition and thus render justice.

PRAYER IN CRL MP(MD)No.631 of 2020 IN CRL RC(MD) No.73 of 2020:

To exempt the petitioner's surrender in C.A.No.5/2019 dated 07.08.2019 by the learned Additional District and Sessions Court, Karur, by confirming the sentence passed in S.T.C.No.20/2016 before the learned Judicial Magistrate Court No.I, Kuzhithalai, 20.12.2018 to file a revision against the petitioner's conviction and thus render justice.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.M.RAMESH, Advocate for the petitioner in both petitions, and of Mr.S.RAVI, Advocate on behalf of the Respondent in both 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 sum of Rs.9,00,000/- (Rupees Nine Lakhs only) to the complainant as compensation in default to undergo simple imprisonment for a period of one month in S.T.C.No.20 of 2016, on the file of the learned Judicial Magistrate No.1, Kuzhithalai.

2.The learned Additional District and Sessions Judge, Karur, confirmed the conviction and the sentence and dismissed the Criminal Appeal No.5 of 2019, dated 07.08.2019.

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.

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 No.I, Kuzhithalai;

(ii) and the petitioner is directed to deposit a sum of Rs.1,60,000/- (Rupees One lakh Sixty thousand only) to the credit of S.T.C.No.20 of 2016 on the file of the learned Judicial Magistrate No.I, Kuzhithalai, within a period of three 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 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/-
25/02/2020

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

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
KARUR.

2.THE JUDICIAL MAGISTRATE NO I,
KUZHITHALAI.

3.THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

+2. C.C.to M/S.R.MATHIYALAGAN Advocate SR.No.3952

ORDER
IN
CRL MP(MD) Nos.630 and 631
of 2020 IN
CRL RC(MD) No.73 of 2020
Date :25/02/2020

VSD
TK/VR/SAR.4/27.02.2020/3P/6C