



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

Friday, the Ninth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2669 of 2020

IN

CRL RC(MD) No.314 of 2020

SUBRAMANIAN

... PETITIONER/ PETITIONER

Vs

CHIDAMBARAM

... RESPONDENT/ RESPONDENT

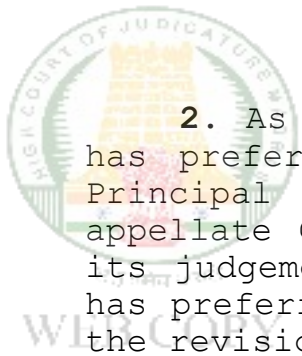
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the Learned Principal District and Sessions Judge, Pudukkottai in Crl.A.No.36 of 2017 by the judgment dated 11/07/2019, confirming the judgment of conviction by the Learned Judicial Magistrate, Keeranur in C.C.No.200 of 2008 by dated 18.08.2017, pending disposal of the Criminal Revision and thus render justice.

PRAYER IN CRL RC(MD) No.314 of 2020:

To call for the records of the learned Principal District and Sessions Judge, Pudukkottai, in Crl.A.No.36 of 2017 by Judgment dated 11.07.2019, confirming the conviction and sentence of imprisonment for 3 months Simple Imprisonment and also directed to pay Rs.2,00,000/- as compensation to the respondent for an offence under Section 138 of Negotiable Instruments Act, imposed by the learned Judicial Magistrate, Keeranur in C.C.No.200 of 2008 by the judgment dated 18.08.2017 and set aside the judgments of the Courts below and acquit the petitioner and render justice.

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

It is seen that the petitioner was convicted by the learned Judicial Magistrate, Keeranur, in C.C.No.200 of 2008 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo three months simple imprisonment and to pay a compensation of Rs.2,00,000/- (Rupees Two Lakhs only), by judgment dated



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.36 of 2017 before the learned Principal District and Sessions Judge, Pudukkottai. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 11.07.2019. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.314 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 50% of the compensation amount to the credit of C.C.No.200 of 2008, before the learned Judicial Magistrate, Keeranur, without prejudice to his case.

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.

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

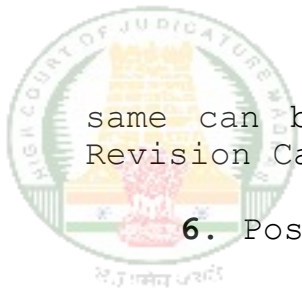
(i) the petitioner shall deposit of sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.200 of 2008, before the learned Judicial Magistrate, Keeranur, on or before 05.11.2020.

(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 learned Judicial Magistrate, Keeranur.

(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 Judicial Magistrate, Keeranur, shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakh 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.314 of 2020.

6. Post on **06.11.2020** 'for reporting compliance'.

WEB COPY

/ TRUE COPY /

sd/-
09/10/2020

/ /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, KEERANUR.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

ORDER
IN
CRL MP(MD) No.2669 of 2020
IN
CRL RC(MD) No.314 of 2020
Date :09/10/2020

MS/PN/SAR-3/13.10.2020/3P.4C