



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

Monday, the Fifteenth day of June Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) Nos.3098 and 3099 of 2020

IN

CRL RC(MD) No.359 of 2020

T.SALOMON DURAIRAJ ... PETITIONER / RESPONDENT / ACCUSED No.2

Vs

MR. E.JERRY CARDOZA ... RESPONDENT / APPELLANT / COMPLAINANT

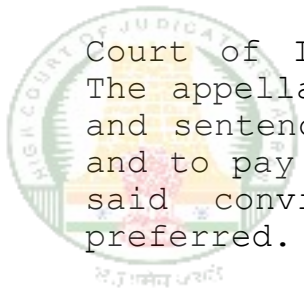
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the Sentence and grant Bail to the Revision Petitioner / Accused no.2 against the conviction judgment dated 02/08/2019 in C.A.No.37 of 2016 passed by the 1st Additional District and Sessions Court, Thoothukudi in C.C. NO.56 of 2013 dated 19/07/2016 on the file of the Special Court for Land Grabbing Cases, Thoothukudi on the file of the Respondent pending disposal of the instant Criminal Revision Petition on such terms and conditions as may be deemed fit and thus render justice.

Prayer in CRL MP(MD) .3099/ 2020 :

To Exception from surrender to the Revision Petitioner / Accused no.2 against the Judgment in C.A.No.37 of 2016 dated 02/08/2019 on the file of the 1st Additional District and Sessions court, Thoothukudi in C.C NO.56 of 2013 dated 19/07/2016 on the file of the Special Court for Land Grabbing Cases, Thoothukudi on the file of the Respondent pending disposal of the instant Criminal Revision Petition on such terms and conditions as may be deemed fit and thus 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.I.PINAYGASH, Advocate for the petitioner and of Mr.N.Dilip kumar, Advocate on behalf of the Respondent the court made the following order:-

The petitioner was charged and tried before the Judicial Magistrate, Special Court for Land Grabbing Cases (FAC), Thoothukudi in C.C.No.56/2016 for the offence u/s 138 of the Negotiable Instruments Act and on being found not guilty, he was acquitted. Against the said order, the complainant preferred appeal before the



Court of I Addl. Sessions Court, Thoothukudi in C.A. No.37/2016. The appellate Court allowed the appeal and convicted the petitioner and sentenced him to simple imprisonment for a period of two years and to pay the cheque amount viz., Rs.38,03,625/-. Aggrieved by the said conviction and sentence, the present revision has been preferred.

2. Learned counsel appearing for the petitioner submits that the court below have not appreciated the evidence in proper perspective and, therefore, the petitioner has a bright chance of succeeding in the revision and, hence, prays for suspension of sentence of imprisonment. It is further submitted by the learned counsel for the petitioner that the petitioner will abide by any terms that may be imposed by this Court for grant of suspension.

3. This Court heard the learned counsel appearing for the respondent on the above contentions and also gave its careful consideration to the materials available on record.

4. On a consideration of the submission and taking into consideration the defaulted amount, and the further fact that the petitioner is ready to abide by the condition imposed by this Court, this Court is of the considered view that suspension of substantive sentence may be ordered on certain conditions.

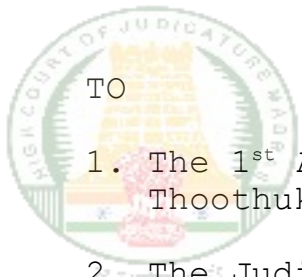
5. Accordingly, the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only), within a period of six weeks from the date of receipt of a copy of this order, before the Court below. On such deposit being made, the substantive sentence of imprisonment alone would stand suspended pending disposal of the revision and the petitioner shall be enlarged on bail on condition that the petitioner executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the Judicial Magistrate, Special Court for Land Grabbing Cases (FAC), Thoothukudi and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders. Consequent upon the above order of suspension, the petitioner is also exempted from surrendering before the concerned Court, until further orders.

6. The criminal miscellaneous petitions are ordered accordingly.

sd/-
15/06/2020

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



TO

1. The 1st Additional District and Sessions Court,
Thoothukudi.
2. The Judicial Magistrate,
Special Court for Land Grabbing Cases (FAC),
Thoothukudi.
3. The Chief Judicial Magistrate,
Thoothukudi District.

ORDER

IN

CRL MP (MD) No.3098 of 2020

IN

CRL RC (MD) No.359 of 2020

Date :15/06/2020

SDS / SKN / SAR-2 (15.06.2020) 3P-4C