



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

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2134 of 2020
IN
CRL RC(MD) No.247 of 2020

I.JOSY ... PETITIONER/ REVISION PETIONER/
APPELLANT/ ACCUSED

Vs

K.VELUSAMY ... RESPONDENT/ RESPONDENT/
RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of the said sentence pending disposal of the Revision petition to enlarge the petitioner/ Revision petitioner/ Accused on bail 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.K.BHASKARAN, Advocate for the petitioner and of MR.I.SALIYAKHAN, Advocate for 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 Instruments Act, and sentenced him to undergo simple imprisonment for a period of 3 months and to pay a sum of Rs.3,00,000/- (Rupees Three lakhs only) to the complainant as compensation in S.T.C.No.226 of 2015 on the file of the learned Judicial Magistrate No.2 (Fast Track Court), Madurai.

2.The learned 6th Additional Sessions Judge, Madurai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.115 of 2019, dated 12.02.2020.

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 he strongly opposed to grant suspension of sentence.

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.II (Fast Track Court), Madurai;

(ii) Since the cheque amount is Rs.3,00,000/- the petitioner is directed to deposit 20% of the same i.e a sum of Rs.60,000/- (Rupees Sixty thousand only) to the credit of S.T.C.No.226 of 2015 on the file of the learned Judicial Magistrate No.2 (Fast Track Court), Madurai, 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.

sd/-
13/03/2020

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



TO

1. THE JUDICIAL MAGISTRATE NO.2,
(FAST TRACK COURT), MADURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

WEB COPY

+1 CC to M/s.K.BHASKARAN, Advocate (SR-5231[I] dated 13/03/2020)

ORDER

IN

CRL MP(MD) No.2134 of 2020

IN

CRL RC(MD) No.247 of 2020

Date :13/03/2020

MS/PN/SAR-1/16.03.2020/3P.4C