



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

Monday, the Twenty Eighth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4780 of 2020
IN
CRL RC(MD) No.543 of 2020

PETCHI

... PETITIONER/ PETITIONER

Vs

PARAMASIVAN

... RESPONDENT/ RESPONDENT

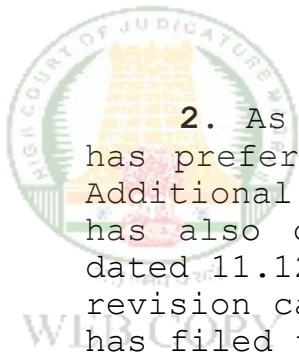
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the conviction and sentence passed by the learned 4th Additional Sessions Judge, Tirunelveli, in C.A.No.5 of 2019 dated 20.12.2020 by confirming the conviction and sentence passed by the learned **(*)Judicial Magistrate No.V, Tirunelveli** in S.T.C.No.127 of 2016 dated on 11.12.2018 and enlarge the petitioner on bail pending disposal of the main Criminal Revision Petition and thus render justice.

PRAYER IN CRL RC(MD) No.543 of 2020:

Pleased to call for the records and set aside the Judgment passed by the learned 4th Additional Sessions Judge, Tirunelveli, in CRL A.No.5 of 2019 dated 20.12.2020 under Section 138 of Negotiable Instruments Act by confirming the conviction and sentence passed by the learned **(*)Judicial Magistrate Court No.V, Tirunelveli** in S.T.C.No.127 of 2016 dated 11.12.2018 under Section 138 of Negotiable Instruments Act.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.VELRAJAN, Advocate for the petitioner, and of Mr.N.ANANTHAPADMANABAN, Advocate for M/S.APN LAW Associates, Advocate for the respondent, the court made the following order:-

It is seen that the petitioner was convicted by **(*)the Judicial Magistrate Court No.V, Tirunelveli**, in S.T.C.No.127 of 2016 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 11.12.2018.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.5 of 2019 before the learned IV Additional Sessions Judge, Tirunelveli. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 11.12.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.543 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 20% of the compensation amount to the credit of S.T.C.No.127 of 2016, before the learned **(*)Judicial Magistrate No.V, Tirunelveli**, 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.

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

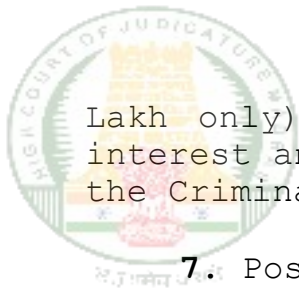
(i) the petitioner shall deposit of sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of S.T.C.No.127 of 2016, before the learned **(*)Judicial Magistrate No.V, Tirunelveli**, on or before 28.10.2020.

(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 No.V, Tirunelveli**,

(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 No.V, Tirunelveli**, 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.543 of 2020.

7. Post on **29.10.2020** 'for reporting compliance'.

WEB COPY

sd/-
28/09/2020

**(*)Amended as per order of this Court dated
04.12.2020 in CRL MP(MD)No.6473 of 2020 in
CRL RC(MD)No.543 OF 2020 BY RTJ.**

**Time for complying the order of this
Court is extended for a period of one
week from the date of receipt of a
copy of this order.**

/ TRUE COPY /

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

(*)To be substituted with the order dated 28.09.2020 already despatched.

- 1.THE 4th ADDITIONAL SESSIONS JUDGE,TIRUNELVELI.
- 2.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 3.THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
- 4.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL MP(MD) No.4780 of 2020
IN
CRL RC(MD) No.543 of 2020
Date :28/09/2020

MS/VR/SAR-4/29.09.2020/3P.4C
LS

TK/PN/SAR-4/08.12.2020/3P/5C

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