



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

Monday, the Twenty Second day of June Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CRL MP(MD) No.3116 of 2020
IN
CRL RC(MD) No.363 of 2020

S.SOLAIPANDIAN

... PETITIONER/ PETITIONER

Vs

K.P.MOKKAMMAYATHEVAR

... RESPONDENT/ RESPONDENT

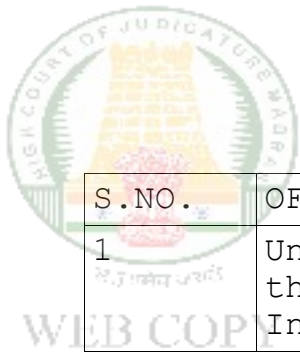
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the Learned Additional District and Sessions Judge, Theni @ Periyakulam dated 30/01/2020 in C.A.No.2 of 2019, confirming the judgment of Learned Judicial Magistrate, Periyakulam in S.T.C.No.6484 of 2016 dated 10/12/2018 and enlarge the petitioner on bail pending disposal of the main revision.

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

This petition has been filed by the Petitioner / Accused praying to suspend the sentence imposed on him by the learned District and Sessions Judge, Theni at Periyakulam, in C.A.No.2 of 0219, dated 30.01.2020 confirming the Judgment of the learned Judicial Magistrate, Periyakulam in S.T.C.No.6484 of 2016, dated 10.12.0218 and to enlarge the petitioner / Accused on bail pending disposal of the above Criminal Revision.

2. The petitioner is the Accused in S.T.C.No.6484 of 2016, on the file of the learned Judicial Magistrate, Periyakulam. The trial Court, after elaborate trial found the Petitioner / Accused guilty and by judgment dated 10.12.2018, convicted and sentenced the

<https://hccservices.courts.gov.in/lcse/voices/> Petitioner / Accused as follows:-



S.NO.	OFFENCE	PUNISHMENT
1	Under Section 138 of the Negotiable Instrument Act	1 month simple imprisonment and to pay a sum of Rs.2,00,000/-

3.Challenging the same, the Petitioner / Accused preferred an appeal in C.A.No.2 of 2019 before the learned Additional District & Sessions Judge, Theni. However, the Sessions Court confirmed the conviction. Against which, the present criminal revision has been filed. Pending revision, he has come up before this Court for suspension of substantive sentence of imprisonment.

4.I have heard the learned counsel appearing for the Petitioner / Accused. Service awaited for the respondent. I have also perused the records carefully.

5.Considering the facts and circumstances of the case and the contradiction pointed out by the learned counsel for the petitioner and also taking note of COVID-19 situation and further there are some arguable points in favour of the petitioner / Accused, the revision is not likely to be disposed of in the near future and there is no question of absconding, I am inclined to suspend the substantive sentence of imprisonment alone pending disposal of the revision, of course, subject to condition that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of S.T.C.No.6484 of 2016, within a period of six (6) weeks from today.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the Petitioner / Accused alone is suspended and the Petitioner / Accused is directed to be enlarged on bail, on the following conditions:

(i) The Petitioner / Accused executes a personal bond for a sum of Rs.10,000/- (Rupees ten thousands only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Periyakulam thereafter execute regular sureties ie., a bond for a sum of Rs.10,000/- with two sureties each for like sum to the satisfaction of the learned Magistrate Court, within a period of two weeks, immediately after the lock-down is lifted.

(ii) The petitioner / Accused is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of S.T.C.No.6484 of 2016, within a period of six (6) weeks from today.



(iii) The petitioner / Accused shall report before the concerned Court on the first working day of every English calendar month at 10.30 a.m. until further orders.

sd/-
22/06/2020

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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,
THENI @ PERIYAKULAM.
- 2 THE JUDICIAL MAGISTRATE, PERIYAKULAM.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

ORDER
IN
CRL MP(MD) No.3116 of 2020
IN
CRL RC(MD) No.363 of 2020
Date :22/06/2020

MS/PN/SAR-3/23.06.2020/3P.4C