



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

Monday, the Twenty Ninth day of June Two Thousand and Twenty

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.3401 of 2020
IN
CRL RC(MD) No.394 of 2020

RAVI @ KESAVA RAMANUJAM

... REVISION PETITIONER/
APPELLANT/SOLE ACCUSED

Vs

1. N.MURUGASAMY

...1st RESPONDENT/
1st RESPONDENT/COMPLAINANT

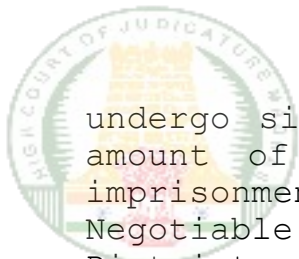
2. THE STATE THROUGH
PUBLIC PROSECUTOR,
DINDIGUL DISTRICT,
DINDIGUL.

...2nd RESPONDENT/2nd 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 in C.C.No.89/2017 by the learned Judicial Magistrate (Fast Track Court at Magisterial Level) Palani dated 30.10.2018 convicting the petitioner for the offence u/s. 138 of Negotiable Instruments Act and sentencing him to undergo six month simple imprisonment and to pay a fine amount of Rs.3000/- in case failed to pay the fine amount to undergo one month simple imprisonment u/s 255(2) CrPC and confirmed by the learned Additional District and Sessions Judge, Palani, in Criminal Appeal No.91 of 2018 dated 10.02.2020 and enlarge the petitioner on bail pending disposal of main Criminal Revision Petition 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.S.SARVAGAN PRABHU, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the second Respondent, while admitting the criminal revision case, the court made the following order:-

The petitioner herein has been arrayed as accused in C.C.No.89 of 2017 on the file of the Judicial Magistrate Court [Fast Track Court at Magisterial Level), Palani, and as per the Judgment dated 30.10.2018, the petitioner/accused was convicted and sentenced to



undergo six months simple imprisonment and directed to pay a fine amount of Rs.3,000/-, in default, to undergo one month simple imprisonment for the offence punishable under Section 138 of Negotiable Instruments Act. On appeal, the learned Additional District and Sessions Judge, Palani, confirmed the conviction and sentence, by Judgment dated 10.02.2020, in C.A.No.91 of 2018. Challenging the concurrent findings of the Courts below, the Criminal Revision has been preferred by the petitioner/accused. Along with the Criminal Revision, the petitioner has filed the present Criminal Miscellaneous Petition under Section 397(i) of Cr.P.C., seeking suspension of sentence.

2. Heard the learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the second respondent.

3. According to the learned counsel appearing for the petitioner, the revision petitioner obtained a sum of Rs.5,22,500/- as loan from the first respondent on 29.12.2015 and in order to discharge the said liability, the revision petitioner issued two cheques in two different dates. When the said cheques were presented for collection, the same were returned with an endorsement 'funds insufficient' on 02.02.2017. Hence, the first respondent issued a legal notice on 27.02.2017. Thereafter, the first respondent lodged the complaint under Section 138 of the Negotiable Instruments Act. The learned counsel appearing for the petitioner would further submit that the first appellate Court failed to appreciate the evidence of the witnesses in its proper perspective and simply reproduced the judgment of the Trial Court and confirmed the conviction, which is illegal. He also submits that in order to show his bonafide, the revision petitioner is ready and willing to deposit a sum of Rs.1,50,000/- in two weeks time.

4. I have perused the impugned Judgments of the Courts below and heard the submissions of the learned counsel appearing for the petitioner.

5. Considering the facts and circumstances of the case, this Court is of the opinion that the sentence of imprisonment imposed on the petitioner may be suspended on certain conditions.

6. Accordingly, the substantive sentence of imprisonment imposed on the petitioner alone is suspended on the following conditions:-

(i) The petitioner shall execute 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 (Fast Track Court at Magisterial Level), Palani.

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner shall report before the learned



Judicial Magistrate (Fast Track Court at Magisterial Level), Palani, on the first working day of every English calendar month at 10.30 a.m., until further orders.

(iii) The petitioner shall deposit a sum of Rs.1,50,000/- to the credit of C.C.No.89 of 2017 on the file of the Judicial Magistrate Court (Fast Track Court at Magisterial Level), Palani, on or before 15.07.2020.

sd/-
29/06/2020

/ 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

1. THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT AT MAGISTERIAL LEVEL),
PALANI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PALANI, DINDIGUL DISTRICT.
4. THE PUBLIC PROSECUTOR,
DINDIGUL DISTRICT,
DINDIGUL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.3401 of 2020 IN
CRL RC(MD) No.394 of 2020
Date :29/06/2020

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<https://hscs.ecourts.gov.in/rcservices/> 30.06.2020/ 3P/6C