



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

Thursday, the Seventeenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7200 of 2020

IN

CRL RC(MD) No.690 of 2020

HARI RAMACHANDRAN

... PETITIONER/PETITIONER

Vs

1 THANUMOORTHY

2 THE STATE OF TAMIL NADU REP. BY,
PUBLIC PROSECUTOR
NAGERCOIL.

... RESPONDENTS/RESPONDENTS

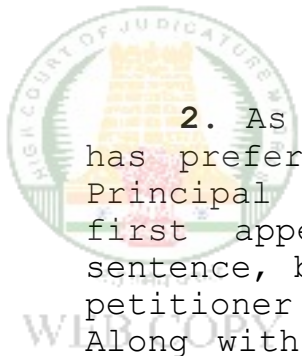
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the judgment dated 27.04.2019 passed in C.A.No.61/2015 on the file of Principal Sessions Judge, Kanniyakumari at Nagercoil confirming the judgment dated 17.11.2015 passed in C.C.No.98/2013 on the Judicial Magistrate (Fast Track) Court No.I, Nagercoil.

Prayer in CRL RC(MD) No.690 of 2020:

To set-aside the judgment dated 27.04.2019 passed in C.A.No.61 of 2015 on the file of Principal Sessions Judge, Kanniyakumari at Nagercoil confirming the judgment dated 17.11.2015 passed in C.C.No.98 of 2013 on the Judicial Magistrate (Fast Track) Court No.I, Nagercoil.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.V.MEENAKSHISUNDARAM, Advocate for the petitioner, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate (Fast Track) Court No.I, Nagercoil, in C.C.No.98 of 2013 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.4,25,000/- (Rupees Four Lakhs Twenty Five Thousand only) in default to undergo one month simple imprisonment, by judgment dated 17.11.2015.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.61 of 2015 before the learned Principal Sessions Judge, Kanniyakumari District, Nagercoil. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 27.04.2019. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.690 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 25% of the compensation amount to the credit of C.C.No.98 of 2013, before the learned Judicial Magistrate (Fast Track Court) No.I, Nagercoil, 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.

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

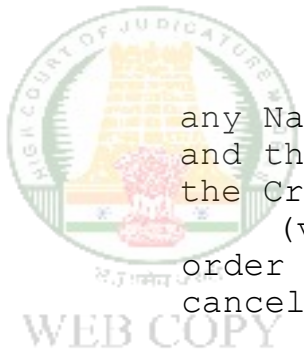
(i) the petitioner shall deposit of sum of Rs.1,06,000/- (Rupees One Lakh and Six Thousand only) to the credit of C.C.No.98 of 2013, before the learned Judicial Magistrate (Fast Track Court) No.I, Nagercoil, on or before 08.01.2021.

(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 (Fast Track Court) No.I, Nagercoil.

(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 (Fast Track Court) No.I, Nagercoil shall re-deposit the sum of Rs.1,06,000/- (Rupees One Lakh and Six Thousand 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.690 of 2020.

(vi) If the aforesaid condition is not complied, the order of suspension of sentence stands automatically cancelled.

6. Post on 11.01.2021 'for reporting compliance'.

sd/-
17/12/2020

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
KANNIYAKUMARI AT NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE NO.I,
(FAST TRACK COURT), NAGERCOIL.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI AT NAGERCOIL.
- 4 THE PUBLIC PROSECUTOR,
STATE OF TAMIL NADU, NAGERCOIL.

ORDER
IN
CRL MP(MD) No.7200 of 2020
IN
CRL RC(MD) No.690 of 2020
Date :17/12/2020

MRN
JM/PN/SAR III/18.12.2020/3P/5C