



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

Friday, the Eighteenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.5368 of 2020
IN
CRL RC(MD) No.590 of 2020

A.SARAVANAN

... REVISION PETITIONER/
APPELLANT/ACCUSED

Vs

PITCHAI

... RESPONDENT/RESPONDENT/
COMPLAINANT

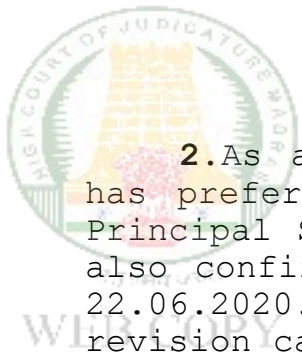
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence pursuant to the judgment of conviction rendered by the C.A.No.104/2018 dated 22.06.2020 on the file of the Principal Sessions Judge, Sivagangai by confirming the Judgment in C.C.No.211 of 2017 dated 14.08.2018 of the Fast Track Judicial Magistrate, Karaikudi, pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL RC(MD) No.590 of 2020:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for the records in C.A.No.104 of 2018 dated 22.06.2020 on the file of the Principal District Sessions Judge, Sivagangai by confirming the judgment in C.C.No.211 of 2017 on the file of the Fast Track Judicial Magistrate, Karaikudi and duly set-aside the judgment of the Courts below by acquitting the Revision Petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JULIAT LATHA, Advocate for the petitioner and of Mr.M.SHAKUL HAMEED, Advocate on behalf of the Respondent, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate (Fast Track Court), Karaikudi, in C.C.No.211 of 2017 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.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) in default to undergo three months simple imprisonment, by its judgment dated 14.08.2018.



2.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.104 of 2018 before the learned Principal Sessions Judge, Sivagangai. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 22.06.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.590 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.211 of 2017, before the learned Judicial Magistrate (Fast Track Court), Karaikudi, 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.

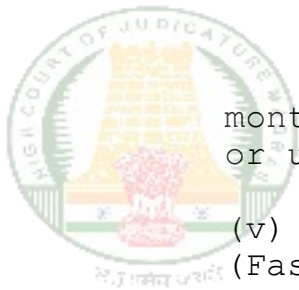
5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) the petitioner shall deposit of sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of C.C.No.211 of 2017, before the learned Judicial Magistrate (Fast Track Court), Karaikudi, on or before 13.01.2021.

(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), Karaikudi.

(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), Karaikudi, shall re-deposit the sum of Rs.50,000/- (Rupees Fifty 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.590 of 2020.

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

6. Post on 18.01.2021 'for reporting compliance'.

sd/-
18/12/2020

/ TRUE COPY /

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

TO

1.THE PRINCIPAL SESSIONS JUDGE,
SIVAGANGAI.

2.THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT), KARAIKUDI.

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

ORDER
IN
CRL MP (MD) No.5368 of 2020
IN
CRL RC (MD) No.590 of 2020
Date :18/12/2020

MRN
TK/PN/SAR.2/22.12.2020/3P/4C