



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

Monday, the Fifth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD) Nos.4642 and 4644 of 2020
IN
CRL RC(MD) No.514 of 2020

G.SETHURAJ

... PETITIONER/ REVISION
PETITIONER/ ACCUSED
IN BOTH THE PETITIONS

Vs

R.MAHANDASAMY ESWARAN

... RESPONDENT/
RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

PRAYER IN Crl.M.P. (MD) No.4642 of 2020:

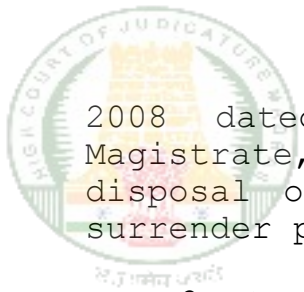
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed Crl.A.No.116/2013, dated 10.06.2020 by the learned Principal Sessions Judge, Virudhunagar and Confirming the Judgment in STC 2964 of 2008 passed by Judicial Magistrate, Sivakasi, Virudhunagar District dated 21.08.2013 till the disposal of this Revision Petition before this Hon'ble Court.

Prayer in CRL MP(MD) . 4644/ 2020 :

to grant permission to exempt to surrender the petitioner in the Judgment passed in C.A.No.116 of 2013, dated 10.06.2020 by the learned Principal Sessions Judge, Virudhunagar, Virudhunagar district confirming the Judgment in STC.No.2964 of 2008, dated 21.08.2013 on the file of the Judicial Magistrate, Sivakasi, Virudhunagar district and thus render justice.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.KA.RAMAKRISHNAN, Advocate for the petitioner in both the petitions and of Mr.S.RAMASAMY, Advocate on behalf of the Respondent in both the petitions, the court made the following order:-

These petitions are filed to suspend the sentence imposed against the petitioner in Crl.A.No.116/2013, dated 10.06.2020 on the file of the learned Principal District and Sessions Judge, Virudhunagar, confirming the order of conviction in S.T.C.No.2964 of



2008 dated 21.08.2013 on the file of the learned Judicial Magistrate, Sivakasi and to enlarge the petitioner on bail till the disposal of the Criminal Revision Case and for exemption of his surrender pursuant to the aforesaid Judgment.

2. On the side of the petitioner, it is stated that even before the presentation of the cheque in the Bank, the petitioner has sent a letter recalling the cheque and the account was not closed by the petitioner and the case is time barred. It is further stated that there are much more points for arguments in the main revision and he prayed for suspension of sentence till the disposal of the revision.

3. On the side of the prosecution, it is stated that to prove the *bona fide*, the petitioner may be directed to deposit a portion of the cheque amount.

4. Heard the learned counsel on either side and perused the materials available on record.

5. From the above said submission, it is stated that the petitioner is having some grounds for argument in revision and this Court is of the view that the petitioner herein is entitled to put forth his case in this revision petition and till the revision is taken up for hearing the petitioner needs some relief.

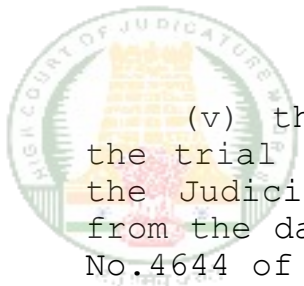
6. In the above circumstances, this Court is inclined to grant suspension of sentence till the disposal of the Revision Case, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivakasi and on further condition that:

(i) 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 any valid identity proof to ensure their identity.

(ii) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of S.T.C.No.2964 of 2008, before the Judicial Magistrate, Sivakasi within a period of four weeks from the date of receipt of a copy of the order;

(iii) On such deposit, the Judicial Magistrate, Sivakasi, shall re-deposit the same Rs.2,00,000/- (Rupees Two Lakhs only) in a Nationalised Bank, in a fixed deposit scheme, so that, the amount accrued interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl. R.C.(MD)No.514 of 2020.

(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 ;



(v) the petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate, Sivakasi, within a period of four weeks from the date of receipt of copy of this order. Hence, CrI.M.P.(MD) No.4644 of 2020 is dismissed.

WEB COPY

sd/-
05/10/2020

/ 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 PRINCIPAL SESSIONS JUDGE,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
2. THE JUDICIAL MAGISTRATE,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

ORDER IN
CrI.M.P.(MD) Nos.4642 and 4644 of 2020
IN CRL RC(MD) No.514 of 2020
Date :05/10/2020

MS/PN/SAR-3/05.10.2020/3P.4C