



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

Friday, the Sixteenth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD) Nos.5276 and 5277 of 2020
in
Crl.R.C. (MD) No.583 of 2020

M.CHELLADURAI

... PETITIONER/ APPELLANT/
ACCUSED
in both the petitions

Vs

A.GURUSAMY

... RESPONDENT/ RESPONDENT/
COMPLAINANT
in both the petitions

PRAYER IN Crl.M.P. (MD) No.5276 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 imposed on the petitioner vide Judgement dated 12.06.2020 made in Crl.A.No.63 of 2014 by the file of the Principal District sessions Judge, Srivilliputhur, Confirming the judgement made in S.T.C. No.50 of 2013 21.03.2014 by the learned Fast Track Court, Srivilliputhur, and enlarge him on bail pending disposal of the above Criminal Revision Petition.

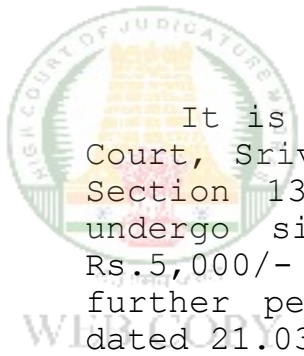
Prayer in CRL MP(MD) . 5277/ 2020 :

To grant exemption from surrender to the petitioner before the Trial Court Pursuant to the conviction passed by the Learned Fast Track Court, Srivilliputhur in S.T.C.No.50 of 2013 dated 21.03.2014 confirmed in Crl.A.No.63 of 2014 dated 12.06.2020 by the Principal District Judge, Srivilliputhur.

PRAYER IN Crl.R.C. (MD) No.583 of 2020:

To call for the records relating to the judgment in Crl.A.No.63 of 2014 dated 12.06.2020 by the Principal District Session Judge, Srivilliputhur, confirming the judgment in S.T.C.No.50 of 2013 dated 21.03.2014 of Fast Track Court, Srivilliputhur, and set aside the same.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.V.ANGUSAMY, Advocate for the petitioner in both the petitions, While admitting the Crl.RC., the court made the following order:-



It is seen that the petitioner was convicted by the Fast Track Court, Srivilliputhur, in S.T.C.No.50 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 fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo further period of two months simple imprisonment, by judgment, dated 21.03.2014.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.63 of 2014 before the learned Principal District and Sessions Judge, Srivilliputhur. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 12.06.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.583 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 20% of the cheque amount to the credit of S.T.C.No.50 of 2013, before the Fast Track Court, Srivilliputhur,, 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, Crl.M.P.(MD)No.5276 of 2020 is allowed and 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 is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Fast Track Court, Srivilliputhur, within a period of four weeks from the date of receipt of copy of this order;

(ii) the petitioner shall deposit of sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of S.T.C.No.50 of 2013, before the Fast Track Court, Srivilliputhur, within a period of four weeks from the date of receipt of copy of this order;



(iii) 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 Fast Track Court, Srivilliputhur.

(iv) 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.

(v) 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.

(vi) On such deposit, the Fast Track Court, Srivilliputhur, shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakh only) in a 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.583 of 2020.

6. Accordingly, Crl.M.P.(MD)No.5277 of 2020 is dismissed.

sd/-
16/10/2020

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

TO

1 THE PRINCIPAL DISTRICT SESSIONS JUDGE,
SRIVILLIPUTHUR.

2 THE JUDGE,
FAST TRACK COURT, SRIVILLIPUTHUR.

ORDER IN
Crl.M.P.(MD)Nos.5276 and 5277 of 2020
IN CRL RC(MD) No.583 of 2020
Date :16/10/2020

MS/SMA/SAR-3/20.10.2020/3P.3C

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