



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

Friday, the Twenty Fourth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.8587 of 2019
IN
CRL RC(MD) No.746 of 2019

1 A.GUHANANDAN @ A.GUHANDHAM
2 A.K.PERUMAL @ A.KALIYAPERUMAL ... PETITIONERS/ PETITIONERS

Vs

B.SHANMUGARAJA ... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to grant an order of suspension of Sentences imposed on the petitioner in S.T.C.No.2088 of 2010 on the file of the Learned Judicial Magistrate No.IV, Thiruchirappalli, dated 26.04.2018 and to enlarge the petitioners on bail

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.KANNAN, Advocate for the petitioners and of Mr.S.T.GOPINNATH, Advocate on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioners submitted that the petitioners have been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act, and sentenced to undergo simple imprisonment for a period of two years and to pay compensation of Rs.2,16,500/- to the complainant in S.T.C.No.2088 of 2010, on the file of the learned Judicial Magistrate No.IV, Tiruchirappalli.

2.The learned Principal Sessions Judge, Trichirappalli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.55 of 2018, dated 13.12.2018.

3.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.



4.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioners and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioners are directed to be enlarged on bail on them executing a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tiruchirappalli;

(ii) and the petitioners are directed to deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) to the credit of S.T.C.No.2088 of 2019, on the file of the learned Judicial Magistrate No.IV, Trichirappalli within a period of two weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the petitioners shall appear before the said Court daily at 10.30 a.m pending revision.

sd/-
24/01/2020

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV, THIRUCHIRAPPALLI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

ORDER IN
CRL MP(MD) No.8587 of 2019
IN CRL RC(MD) No.746 of 2019
Date :24/01/2020