



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

Tuesday, the Twenty Fourth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.6137 of 2020

IN

CRL RC(MD) No.639 of 2020

SHANTHI

... PETITIONER/ PETITIONER

Vs

KUMAR

... RESPONDENT/ RESPONDENT

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 passed in Crl.A.No.27 of 2018 passed by the learned V Additional District and Sessions Judge, Madurai dated 21.09.2020 and confirmed the judgment passed by the learned Judicial Magistrate No.2 (Fast Track Court) in S.T.C.No.199 of 2015 dated 20.02.2018 pending disposal of the Criminal Revision Petition.

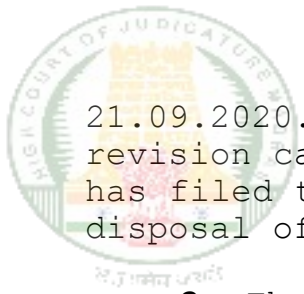
Prayer in CRL RC(MD) No.639 of 2020:

To call for the records of the Learned V Additional District and Sessions Judge, Madurai in Crl.A.No.27 of 2018 dated 21.09.2020 and confirmed the judgment passed by the learned Judicial Magistrate Court No.2, Madurai (FTC) Madurai in S.T.C.No.199 of 2015 dated 20.02.2018 and set aside the same by allowing this Revision Petition.

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.R.MANOCHARAN, Advocate for the petitioner, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate Court No.II, Madurai, in S.T.C.No.199 of 2015 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.4,00,000/- (Rupees Four Lakhs only), by judgment dated 20.02.2018.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.28 of 2018 before the learned V Additional Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated



21.09.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.639 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 S.T.C.No.199 of 2015, before the learned Judicial Magistrate No.II, Madurai, 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.

6. 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.1,00,000/- (Rupees One Lakh only) to the credit of S.T.C.No.199 of 2015, before the learned Judicial Magistrate No.II, Madurai, on or before 14.12.2020.

(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 No.II, Madurai.

(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 No.II, Madurai, shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakh 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.639 of 2020.



7. Post on **15.12.2020** 'for reporting compliance'.

sd/-
24/11/2020

WEB COPY

/ TRUE COPY /

/ /2020

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

TO

- 1 THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

ORDER
IN
CRL MP (MD) No.6137 of 2020
IN
CRL RC (MD) No.639 of 2020
Date :24/11/2020

MRN
JM/PN/SAR III/30.11.2020/3P/4C