



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

Thursday, the Tenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl. M.P.(MD)Nos.6652 & 6654 of 2020
in
Crl.R.C.(MD)No.665 of 2020

S.VISWANATHAN

... REVISION PETITIONER/
APPELLANT/ ACCUSED
IN Crl.M.P.(MD)Nos.6652 of 2020
IN Crl.R.C.(MD)No.665 of 2020

S.VISWANATHAN

... PETITIONER/ REVISION PETITIONER
IN Crl.M.P.(MD)Nos.6654 of 2020
IN Crl.R.C.(MD)No.665 of 2020

Vs

M.S.BALAN

... RESPONDENT/ RESPONDENT/
COMPLAINANT
IN Crl.M.P.(MD)Nos.6652 of 2020
IN Crl.R.C.(MD)No.665 of 2020

M.S.BALAN

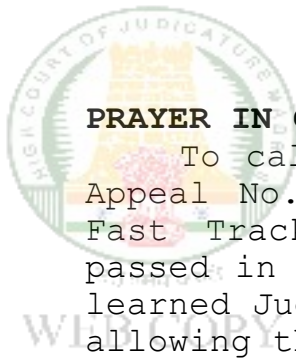
... RESPONDENT/ RESPONDENT
IN Crl.M.P.(MD)Nos.6654 of 2020
IN Crl.R.C.(MD)No.665 of 2020

PRAYER IN Crl.M.P(MD)No.6652 of 2020 IN Crl.R.C.(MD)No.665 of 2020:

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 imposed by the learned Fast Track Court, Dindigul District in Crl.A.No.45 of 2019 dated 20.10.2020 by confirming the judgment passed in STC.No.708 of 2012 dated 17.05.2019 on the file of the learned Judicial Magistrate No.I, Dindigul and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

Prayer in CRL MP(MD)No.6654 of 2020 IN Crl.R.C.(MD)No.665 of 2020:

To Exempt the surrender before the courts below in Crl.A.No.45 of 2019, dated 20.10.2020 on the file of the Fast Track Court, Dindigul District by confirming the judgment passed in S.T.C.No.708 of 2012, dated 17.05.2019 on the file of the learned Judicial Magistrate No.I, Dindigul.



PRAYER IN Crl.R.C. (MD)No.665 of 2020:

To call for the records pertaining to the judgment in Criminal Appeal No.45 of 2019 dated 20.10.2020 on the file of the learned Fast Track Court, Dindigul District by confirming the judgment passed in S.T.C.No.708 of 2012 dated 17.05.2019 on the file of the learned Judicial Magistrate No.I, Dindigul and set aside the same by allowing the above Criminal Revision.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.D.S.HAROON RASHEED, Advocate for the petitioner in both the petitions, While admitting the CRL.RC., the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Fast Track Court, Dindigul District in Crl.A.No.45 of 2019, dated 20.10.2020 by confirming the judgment passed in S.T.C.No.708 of 2012, dated 17.05.2019 on the file of the Judicial Magistrate No.I, Dindigul and enlarge the petitioner on bail, till the disposal of the Revision.

2. On the side of the petitioner, it is stated that while granting suspension of sentence, the learned Principal Sessions Judge, Dindigul, has ordered for 20% of the cheque amount and the petitioner has complied with the condition and copy of the challan, for a sum of Rs.2,40,000/- (Rupees Two Lakhs Forty Thousand only), has also been filed before this Court and hence, prayed the sentence to be suspended.

3. It is seen that there are much more arguable points for consideration in the main revision. Since the petitioner has deposited 20% of the cheque amount on the direction of the Principal Sessions Judge, Dindigul, this Court is inclined to grant suspension of sentence till the disposal of the revision.

4. Accordingly, Crl.M.P.(MD)No.6652 of 2020 is allowed and the substantive sentence of imprisonment alone is suspended till the disposal of the appeal 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 Judicial Magistrate No.I, Dindigul, within a period of two weeks from the date of receipt of copy of this order;

(ii) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate



(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 any valid identity proof 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 further orders.

4. Accordingly, Crl.M.P.(MD)No.6654 of 2020 is dismissed.

sd/-
10/12/2020

/ TRUE COPY /

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

TO

- 1 THE JUDGE,
FAST TRACK COURT, DINDIGUL DISTRICT.
- 2 THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

ORDER IN
Crl. M.P.(MD)Nos.6652 & 6654 of 2020
IN CRL RC(MD) No.665 of 2020
Date :10/12/2020

MS/PN/SAR-4/11.12.2020/3P.4C