



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

Thursday, the Seventeenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7491 of 2020
IN
CRL RC(MD) No.710 of 2020

S.SARAVANAN

... APPELLANT/RESPONDENT/ACCUSED

Vs

R.MEENAKSHI SUNDARAM

... RESPONDENT/APPELLANT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Grant Suspension of Conviction of the Judgement in Crl. A No. 163/2017 before the Learned VI Additional Sessions Judge, Madurai dated 26.08.2019 in S.T.C No.702/2012 on the file of the Learned Judicial Magistrate Court No. 1, Madurai dated 19.09.2017 till the disposal of the instant Criminal Revision Petition.

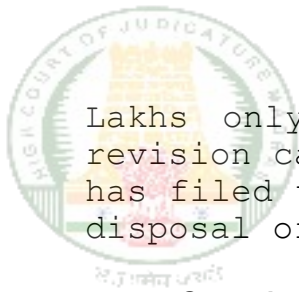
Prayer in CRL RC(MD) No.710 of 2020:

To call for the records pertaining to the order in Crl.A.No.163 of 2017 before the Learned VI Additional Sessions Judge, Madurai dated 26.08.2019 in S.T.C No.702 of 2012 on the file of the Learned Judicial Magistrate Court No.1, Madurai dated 19.09.2017 and set aside the same.

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.T.ASWIN RAJASIMMAN, Advocate for the petitioner, while admitting the CRL RC., the court made the following order:-

It is seen that the petitioner was acquitted by the Judicial Magistrate (Fast Track) Court No.I, Madurai, in S.T.C.No.702 of 2012, by judgment dated 19.09.2017.

2. As against the acquittal, the respondent has preferred an appeal in C.A.No.163 of 2017 before the learned IV Additional Sessions Judge, Madurai. The appeal was allowed and the order of learned Judicial Magistrate No.I, Madurai in S.T.C.No.702 of 2012 dated 19.09.2017, was set aside and the learned Judge found the petitioner guilty under Section 138 of Negotiable Instruments Act and the petitioner was sentenced to undergo one year simple imprisonment and to pay a compensation of Rs.2,00,000/- (Rupees Two



Lakhs only). Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.710 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 the entire cheque amount to the credit of S.T.C.No.702 of 2012, before the learned Judicial Magistrate (Fast Track Court) No.I, 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.

5. 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.2,00,000/- (Rupees Two Lakhs only) to the credit of S.T.C.No.702 of 2012, before the learned Judicial Magistrate (Fast Track Court) No.I, Madurai, on or before 10.01.2021.

(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 (Fast Track Court) No.I, 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 (Fast Track Court) No.I, Madurai, shall re-deposit the sum



of Rs.2,00,000/- (Rupees Two Lakhs 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.710 of 2020.

WEB COPY

(vi) If the aforesaid condition is not complied, the order of suspension of sentence stands automatically cancelled.

6. Post on 12.01.2021 'for reporting compliance'.

sd/-
17/12/2020

/ TRUE COPY /

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

TO

- 1 THE VI ADDITIONAL SESSIONS JUDGE,
MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.I,
(FAST TRACK COURT),
MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.T.LAJAPATHI ROY Advocate SR.No.8353

ORDER
IN
CRL MP (MD) No.7491 of 2020
IN
CRL RC (MD) No.710 of 2020
Date :17/12/2020

MRN

<https://hcmr.cer.nic.in/CaseDetails/12.2020/3P/7C>