



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

Wednesday, the Twenty Third day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7624 of 2020
IN
CRL RC(MD) No.715 of 2020

P.RAJESH

... PETITIONER/PETITIONER

Vs

M.ADAIKAPPAN

... RESPONDENT/RESPONDENT

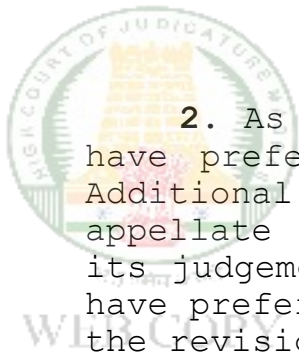
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed by the learned Additional District and Sessions Judge, Sivagangai made in Criminal Appeal No.6/2018 dated 09.11.2020 confirming the judgment passed by learned Judicial Magistrate(Fast Track Court) Karaikudi dated 14.12.2017 in S.T.C.No.226 of 2016 pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL RC(MD)No.715 of 2020:

Pleased to call for the records pertaining to the judgment passed by the learned Additional District and Sessions Judge, Sivagangai made in Criminal Appeal No.6/2018 dated 09.11.2020 confirming the judgment passed by learned Judicial Magistrate (Fast Track Court) Karaikudi dated 14.12.2017 in S.T.C.No.226 of 2016 and set aside the same and allow the above 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.VEERA KATHIRAVAN, Senior Counsel for Mr.S.RAMSUNDARVIJAYRAJ, Advocate for M/S.VEERA ASSOCIATES, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

It is seen that the petitioners were convicted by the Judicial Magistrate (Fast Track Court), Karaikudi, in S.T.C.No.226 of 2016 for the offence under Section 138 of the Negotiable Instruments Act and the petitioner was sentenced to undergo one year simple imprisonment and was ordered to pay a compensation of Rs.54,40,000/- (Rupees Fifty Four Lakhs and Forty Thousand only), by the judgment dated 14.12.2017.



2. As against the said conviction and sentence, the petitioners have preferred an appeal in C.A.No.6 of 2018 before the learned Additional District and Sessions Judge, Sivagangai. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 09.11.2020. Aggrieved by which, the petitioners have preferred a revision case in Crl.R.C.No.715 of 2020. Along with the revision, they have 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 compensation amount to the credit of S.T.C.No.226 of 2016, before the learned Judicial Magistrate (Fast Track Court), Karaikudi, 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 are entitled to the relief of suspension of sentence.

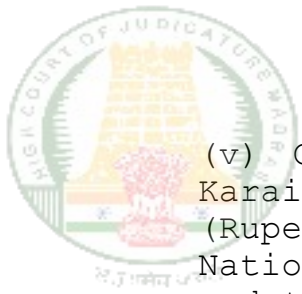
5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) the petitioners shall deposit of sum of Rs.10,88,000/- (Rupees Ten Lakhs and Eighty Eight Thousand only) to the credit of S.T.C.No.226 of 2016, before the learned Judicial Magistrate (Fast Track Court), Karaikudi, within a period of six weeks.

(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), Karaikudi,

(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, Karaikudi, shall re-deposit the sum of Rs.10,88,000/- (Rupees Ten Lakhs and Eighty Eight Thousand 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.715 of 2020.

sd/-
23/12/2020

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

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI.

2.THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT), KARAIKUDI.

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-8485[I] dated
23/12/2020)

ORDER
IN
CRL MP(MD) No.7624 of 2020
IN
CRL RC(MD) No.715 of 2020
Date :23/12/2020

LS
TK/PN/SAR.3/23.12.2020/3P/5C