



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

Monday, the Twenty First day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7438 of 2020

IN

CRL RC(MD) No.709 of 2020

RAMASUBRAMANIAN

... PETITIONER/PETITIONER

Vs

SIVAKUMAR

... RESPONDENT/RESPONDENT

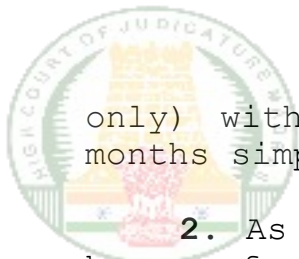
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment imposed by the learned Additional District and Sessions Judge, Sivagangai in Crl.A.No.127 of 2017 by the Judgment dated 29.10.2020 confirming the conviction and sentence of Imprisonment imposed by the learned Judicial Magistrate, Fast Track Court, Karaikudi in S.T.C.No.90 of 2016 by the Judgment dated 07.10.2017, pending disposal of the Criminal Revision Case.

Prayer in CRL RC(MD) No.709 of 2020:

To call for the records of the Learned Additional District and Sessions Judge, Sivagangai in Crl.A.No.127 of 2017 by Judgment dated 29.10.2020 confirming the conviction and sentence of Imprisonment and also directed to pay Rs.5,50,000/- as total cheque amount of compensation to the respondent within a period of 1 month, in default to undergo 3 months of simple imprisonment for an offence under Sec.138 of Negotiable Instruments Act, passed by the Learned Judicial Magistrate, Fast Track Court, Karaikudi in S.T.C.No.90 of 2016 by the Judgment dated 07.10.2017 and set aside the Judgments of the Courts below and acquit the Petitioner.

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

It is seen that the petitioner was convicted by the Judicial Magistrate (Fast Track Court), Karaikudi, in S.T.C.No.90 of 2016 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and to pay a



only) within a period of one month, in default to undergo three months simple imprisonment, by its judgment dated 07.10.2017.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.127 of 2017 before the learned Additional District and Sessions Judge, Sivagangai. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 29.10.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.709 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.90 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 is entitled to the relief of suspension of sentence.

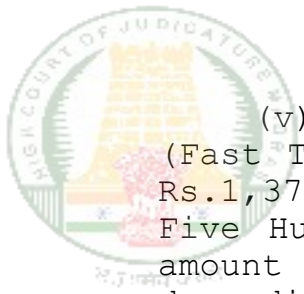
5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) the petitioner shall deposit of sum of Rs.1,37,500/- (Rupees One Lakh Thirty Seven Thousand and Five Hundred only) to the credit of S.T.C.No.90 of 2016, before the learned Judicial Magistrate (Fast Track Court), Karaikudi, on or before 18.01.2021.

(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), 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 (Fast Track Court), Karaikudi, shall re-deposit the sum of Rs.1,37,500/- (Rupees One Lakh Thirty Seven Thousand and Five Hundred 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.709 of 2020.

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

6. Post on 18.01.2021 'for reporting compliance'.

sd/-
21/12/2020

/ TRUE COPY /

/ /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.

ORDER
IN
CRL MP (MD) No.7438 of 2020
IN
CRL RC (MD) No.709 of 2020
Date :21/12/2020

MRN
JM/PN/SAR II/22.12.2020/3P/4C