



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

Wednesday, the Twenty Ninth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11004 of 2019

IN

CRL RC(MD) No.920 of 2019

P.LINGAM

... PETITIONER/ PETITIONER

Vs

S.SANTHOSHKUMAR

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the order of conviction and sentence of simple imprisonment for a period of 1 year imposed on the petitioner by the learned Judicial Magistrate, Rajapalayam in STC.No.1645/2011 dated 19.3.2014 which was confirmed by the learned Additional District Judge, Srivilliputhur in Crl.A.No.58/14 dated 13.11.19, pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.THIRUNAVUKKARASU, Advocate for the petitioner and of None appeared for the respondent either in person or through by an Advocate, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act, and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for a period of six months in S.T.C.No.1645 of 2011, on the file of the learned Judicial Magistrate, Rajapalayam.

2.The learned Additional District Judge, Srivilliputhur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.58 of 2014, dated 13.11.2019.

3.There is no representation on behalf of the respondent.

4.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the
<https://www.ceramics.gov.in/hcsh/cesp> prosecution witnesses.



5.This Court has carefully considered the rival contentions put forward by the learned counsel for the petitioner and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court (Fast Track Court) Uthamapalayam;

(ii) Since the cheque amount is Rs.10,00,000/- the petitioner is directed to deposit 20% of the same i.e a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of S.T.C.No.1645 of 2011, on the file of the learned Judicial Magistrate, Rajapalayam, within a period of three weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the petitioner shall appear before the said Court on daily at 10.30 a.m pending revision.

sd/-
29/01/2020

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

TO

1 THE JUDICIAL MAGISTRATE
(FAST TRACK COURT), UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.



4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

5 THE ADDITIONAL DISTRICT JUDGE,
SRIVILLIPUTHUR.

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+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-1719[I] dated
29/01/2020)

ORDER

IN

CRL MP(MD) No.11004 of 2019

IN

CRL RC(MD) No.920 of 2019

Date :29/01/2020

DSS

JM/VR/SAR 3/30.01.2020/3P/7C