



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

Friday, the Tenth day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11391 of 2019

IN

CRL RC(MD) No.968 of 2019

M.RAJAPRABHU

... PETITIONER/PETITIONER

Vs

S.ASHOK

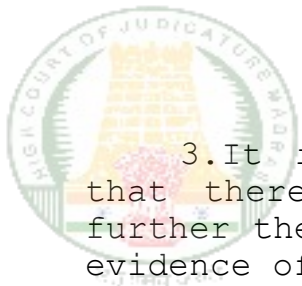
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the learned Appellate Judge in a Judgment dated 31/10/2019 passed in Crl.A.No.132 of 2018 on the file of the VI Additional Sessions Judge, Madurai thereby reversing the well considered judgment of the trial court dated 27.11.2018 passed in S.T.C.No.338 of 2016 on the file of Judicial Magistrate No.II(F.T.C) Magisterial Level, Madurai.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.B.PRAHALAD RAVI, Advocate for the petitioner and of M/s.M.Saravanakumar, Advocate for the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Appellate Judge in a judgment dated 31.10.2019 passed in Crl.A.No.132 of 2018 on the file of the learned VI Additional Sessions Judge, Madurai, thereby reversing the well considered judgment of the trial Court, dated 27.11.2018 passed in S.T.C.No.338 of 2016 on the file of the learned Judicial Magistrate No.II (F.T.C.) Magisterial level, Madurai.

2.It is seen that the petitioner has been acquitted in S.T.C.No.60 of 2015, on the file of the learned Judicial Magistrate, Periyakulam. In the appeal, the petitioner has been convicted by the learned Additional District and Sessions Judge, Theni at Periyakulam for the offence under Section 138 of Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for a period of one year and to pay a compensation of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the complainant and set aside the order of the trial Court, by allowing the Criminal Appeal No.132 of 2018, dated 31.10.2019.



3.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 evidence of the prosecution witnesses.

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4.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side 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 No.II (F.T.C.) Magisterial level, Madurai.

(ii) Since the cheque amount amount is Rs.25,00,000/- the petitioner is directed to deposit 20% of the same i.e a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the credit of S.T.C.No.338 of 2016 on the file of the learned Judicial Magistrate No.II (F.T.C.) Magisterial level, Madurai, within a period of two 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/-
10/01/2020

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/ /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.II
(FAST TRACK COURT), MAGISTERIAL LEVEL, MADURAI.

3 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate(SR-800[I] dated 13/01/2020)

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-891[I] dated 13/01/2020)

ORDER

IN

CRL MP(MD) No.11391 of 2019

IN

CRL RC(MD) No.968 of 2019

Date :10/01/2020

VSD

ES/VR/SAR 3/21.01.2020/3P/6C