



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

Wednesday, the Seventeenth day of February Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.1284 and 1285 of 2021
in
CRL RC(MD)No.108 of 2021

R.KARPAGARAJ

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED
IN BOTH PETITIONS

Vs

THAMOTHARAN

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.1284 of 2021 in CRL RC(MD)No.108 of 2021:

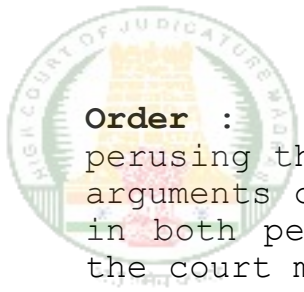
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed in S.T.C.No.1662 of 2012, dated 02.02.2019 on the file of the Judicial Magistrate No.I, (FTC Magisterial Level) Madurai, as confirmed by the Judgment 26.02.2020 made in Crl.Appeal No.29 of 2019 on the file of the learned VI Additional Sessions Judge, Madurai pending disposal of the main Criminal Revision Petition.

PRAYER IN CRL MP(MD)No.1285 of 2021 in CRL RC(MD)No.108 of 2021:

To Exempt from Surrender in connection with Judgment in S.T.C.No.1662 of 2012 dated 02.02.2019 on the file of the Judicial Magistrate No.I, (FTC Magisterial Level Madurai as confirmed by the judgment dated 26.02.2020, made in Crl.Appeal No.29 of 2019 on the file of the learned VI Additional Sessions Judge, Madurai till the disposal of the main Criminal Revision Petition.

PRAYER IN CRL RC(MD)No.108 of 2021:

Pleased to allow the revision and set aside the conviction and sentence dated 02.02.2019, made in S.T.C.No.1662 of 2012 on the file of the Judicial Magistrate No.I, (FTC Magistrate Level) Madurai, as confirmed by the judgment dated 26.02.2020 made in CRL Appeal No.29 of 2019 on the file of the Learned VI Additional Sessions Judge, Madurai.



Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.C.MAYILVAHANA RAJENDRAN, Advocate for the petitioner in both petitions, while admitting the Criminal Revision Petition, the court made the following order:-

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It is seen that the petitioner was convicted by the Judicial Magistrate No.I, Fast Track Court. Magistrate Level, Madurai, in S.T.C.No.1662 of 2012 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.50,000/- (Rupees Fifty Thousand only), by judgment, dated 02.02.2019.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.29 of 2019 before the learned VI Additional Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 26.02.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.108 of 2021. 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 cheque amount to the credit of S.T.C.No.1662 of 2012, before the Judicial Magistrate No.I, Fast Track Court, Magistrate Level, 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, Crl.M.P.(MD)No.1284 of 2020 is allowed and 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 is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate No.I, Fast Track Court, Magistrate Level, Madurai, within a period of four weeks from the date of receipt of copy of this order;

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(ii) the petitioner shall deposit of sum of Rs.12,500/- (Rupees Twelve Thousand and Five Hundred only) to the credit of S.T.C.No.1662 of 2012, before the Judicial Magistrate No.I, Fast Track Court, Magistrate Level, Madurai, within a period of four weeks from the date of receipt of copy of this order;

(iii) 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 Judicial Magistrate No.I, Fast Track Court, Magistrate Level, Madurai.

(iv) 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.

(v) 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.

(vi) On such deposit, the Judicial Magistrate No.I, Fast Track Court, Magistrate Level, Madurai, shall re-deposit the sum of Rs.12,500/- (Rupees Twelve Thousand and Five Hundred only) in a 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.108 of 2021.

6. Accordingly, Crl.M.P.(MD)No.1285 of 2021 is dismissed.

sd/-
17/02/2021

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/ /2021
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)MAGISTRATE LEVEL,
MADURAI.

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

+1 CC to Mr.C.MAYILVAHANA RAJENDRAN, Advocate (SR-1147[I] dated
18/02/2021)

ORDER

IN

CRL MP(MD) Nos.1284

and 1285 of 2021 in

CRL RC(MD)No.108 of 2021

Date :17/02/2021

LS

TK/VR/SAR.1/19.02.2021/4P/5C