



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

Tuesday, the Sixteenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1258 of 2021
in
CRL RC(MD)No.104 of 2021

S.MUTHURAMALINGAM

... PETITIONER/REVISION PETITIONER/
APPELLANT

Vs

S.SUKUMAR

... RESPONDENT/RESPONDENT/
COMPLAINANT

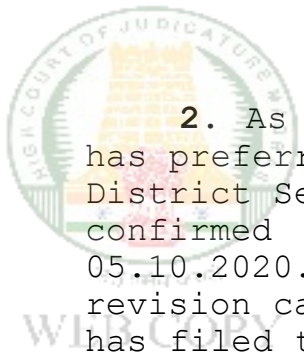
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the execution of sentence in C.A.No.54/2019 dated 5.10.2020 on the file of the Learned IVth Additional District Sessions Judge, Madurai wherein the Learned Sessions Judge has confirmed the judgment of the Learned Judicial Magistrate No.1 FTC at Madurai ML in S.T.C.No.507/2013 dated 28.03.2019 pending disposal of the Criminal Revision Petition.

PRAYER IN CRL RC(MD)No.104 of 2021:

Pleased to call for the lower court records in Criminal Appeal NO.54 of 2019 dated 05.10.2020 on the file of the IVth Additional District Sessions Judge, Madurai in S.T.C.No.507 of 2013 dated 28.03.2019 on the file of othe Learned Judicial Magistrate No.FTC at ML Madurai and to set aside the order passed by the lower Courts.

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

It is seen that the petitioner was convicted by the learned Judicial Magistrate No.I, FTC, at ML, Madurai, in S.T.C.No.507 of 2013 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.2,50,000/- (Rupees Two Lakhs Fifty Thousand only), by its judgment dated 28.03.2019.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.54 of 2019 before the learned IVth District Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 05.10.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.104 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.507 of 2013, before the learned Judicial Magistrate No.I, FTC at ML, 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, 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.62,500/- (Rupees Sixty Two Thousand and Five Hundred only) to the credit of S.T.C.No.507 of 2013, before the learned Judicial Magistrate No.I, FTC at ML, Madurai, on or before 16.03.2021.

(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 No.I, FTC at ML, Madurai.

(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 No.I, FTC at ML, Madurai, shall re-deposit the sum of Rs.62,500/- (Rupees Sixty Two 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 CrI. R.C.(MD)No.104 of 2021.

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

sd/-
16/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE IV ADDITIONAL DISTRICT SESSIONS JUDGE,
MADURAI.
- 2.THE JUDICIAL MAGISTRATE No. I
FAST TRACK COURT AT MAGISTRATE LEVEL, MADURAI.
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

ORDER
IN
CRL MP(MD) No.1258 of 2021
in
CRL RC(MD)No.104 of 2021
Date :16/02/2021

MRN
TK/PN/SAR.4/18.02.2021/3P/4C