



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

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

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD)Nos.921 and 922 of 2021
in
Crl.R.C.(MD) No.68 of 2021

J.DHANAPACKIAM

... PETITIONER/ APPELLANT/
SOEL ACCUSED
in both the petitions

-Vs-

M.RAM PRAVEEN

... RESPONDENT/ RESPONDENT/
COMPLAINANT
in both the petitions

PRAYER IN Crl.M.P.(MD)No.921 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 on the Petitioner in C.A.No.95 of 2018 on the file of the Honourable IVth Additional District and Sessions Judge, Madurai dated 27.11.2020 by confirming the sentence passed by the Learned Fast Track Court No.II, (Magistrate Level), Madurai in S.T.C.No.463 of 2012 dated 20.08.2018 disposal of the appeal.

Prayer in CRL MP(MD). 922/ 2021 :

To Exempt the Petitioner from Surrender in C.A No.95 of 2018 on the file of the Honourable IVth Additional District and Sessions Judge, Madurai dated 27.11.2020 by confirming the sentence Passed by the Learned Fast Track Court No.II, (Magistrate Level), Madurai in S.T.C.No.463 of 2012 dated 20.08.2018 and thus render justice.

Prayer in Crl.R.C. (MD) No.68 of 2021:

To call for the records and set aside the conviction in C.A.No.95 of 2018 on the file of the Hon'ble IVth Additional District and Sessions Judge, Madurai dated 27.11.2020 by confirming the sentence passed by the learned Fast Track Court No.II, (Magistrate Level), Madurai in S.T.C.No.463 of 2012 dated 20.08.2018 and acquit the petitioner.

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.AK.AZAGARSAMI, Advocate for the petitioner in both



the petitions, While admitting the Criminal Revision, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate No.II / Fast Track Court at Magistrate Level, Madurai, in S.T.C.No.463 of 2012 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment under Section 255(2) and to pay the compensation of Rs.5,10,000/- (Rupees Five Lakhs and Ten Thousand only), under Section 357(3) of Cr.P.C, within a period of two months, by judgment, dated 20.08.2018.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.95 of 2018 before the IV Additional District and Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 27.11.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.68 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.463 of 2012, before the Judicial Magistrate No.II / Fast Track Court at 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.921 of 2021 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.II / Fast Track Court at Magistrate Level, Madurai, within a period of three weeks from the date of receipt of copy of this order;

(ii)the petitioner shall deposit a sum of Rs.1,27,500/- (Rupees One Lakh Twenty Seven Thousand and Five Hundred



only) to the credit of S.T.C.No.463 of 2012, before the Judicial Magistrate No.II / Fast Track Court at Magistrate Level, Madurai, on or before 09.03.2021;

(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.II / Fast Track Court at 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.II / Fast Track Court at Magistrate Level, Madurai, shall re-deposit the sum of Rs.1,27,500/- (Rupees One Lakh Twenty Seven 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.68 of 2021.

6. Accordingly, Crl.M.P.(MD) No.922 of 2021 is dismissed. Post the matter on 12.03.2021 for reporting compliance.

sd/-
09/02/2021

/ TRUE COPY /

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

TO

- 1 THE IVTH ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II /
FAST TRACK COURT AT MAGISTRATE LEVEL, MADURAI.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

ORDER IN
Crl.M.P.(MD) Nos.921 and 922 of 2021
in Crl.R.C.(MD) No.68 of 2021
Date : 09/02/2021