



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

Monday, the Eighth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.861 and 863 of 2021
in
CRL RC(MD)No.59 of 2021

PARIMALADEVI

... PETITIONER/PETITIONER/
ACCUSED
IN BOTH PETITIONS

Vs

V.KARTHICK

... RESPONDENT/RESPONDENT/
COMPLAINANT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.861 of 2021 in CRL RC(MD)No.59 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 by judgment dated 05.11.2019 passed in C.C.No.131/2018 dated 05.11.2019 on the file of Judicial Magistrate Fast Track Court Magistrate Level, Karur, Karur District confirmed by the judgment dated 28.08.2020 passed on CRL A.No.112 of 2019 on the file of the Sessions Judge, Karur, Karur District pending disposal of the Criminal Revision Petition.

PRAYER IN CRL MP(MD)No.863 of 2021 in CRL RC(MD)No.59 of 2021:

To exempt the petitioner to surrender before the trial court in C.C.No.131/2018 dated 05.11.2019 on the file of the Judicial Magistrate Fast Track Court, Magistrate Level, Karur, Karur District confirmed by the judgment dated 28.08.2020 passed on CRL A.No.112 of 2019 on the file of the Sessions Judge, Karur, Karur District, pending disposal of the Criminal Revision Petition.

PRAYER IN CRL RC(MD)No.59 of 2021:

Pleased to call for records and set aside the judgment dated 28.08.2020 passed by the Sessions Judge, Karur, Karur District in CRL A.No.112 of 2019, confirming the judgment of conviction and sentence dated 05.11.2019 passed by the Judicial Magistrate Fast Track Court Magistrate Level, Karur, Karur District in C.C.No.131 of 2018.



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.B.VINOTHKUMAR, Advocate for the petitioner in both petitions, while admitting the Criminal Revision Case, the court made the following order:-

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It is seen that the petitioner was convicted by the Judicial Magistrate / Fast Track Court at Magistrate Level, Karur, Karur District, in C.C.No.131 of 2018 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.3,50,000/- (Rupees Three Lakhs Fifty Thousand only), in default, to undergo further period of one month simple imprisonment, by judgment, dated 05.11.2019.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.112 of 2019 before the learned Sessions Judge, Karur, Karur District. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 28.08.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.59 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 C.C.No.131 of 2018, before the Judicial Magistrate / Fast Track Court at Magistrate Level, Karur, Karur District, 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.861 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 / Fast Track Court at Magistrate Level, Karur, Karur District, within a period of four weeks from the date of receipt of copy of this order;



(ii) the petitioner shall deposit of sum of Rs.87,500/- (Rupees Eighty Seven Thousand and Five Hundred only) to the credit of in C.C.No.131 of 2018, before the Judicial Magistrate / Fast Track Court at Magistrate Level, Karur, Karur District, 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 / Fast Track Court at Magistrate Level, Karur.

(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 before the Judicial Magistrate / Fast Track Court at Magistrate Level, Karur, Karur District, shall re-deposit the sum of Rs.87,500/- (Rupees Eighty 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.59 of 2021.

6. Accordingly, Crl.M.P.(MD)No.863 of 2021 is dismissed.

sd/-
08/02/2021

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

TO

1.THE SESSIONS JUDGE,
KARUR, KARUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2.THE JUDICIAL MAGISTRATE/ FAST TRACK COURT
AT MAGISTRATE LEVEL, KARUR,
KARUR DISTRICT

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

COPY TO:

THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.VINOTHKUMAR, Advocate (SR-866[I] dated 10/02/2021)

ORDER IN
CRL MP(MD) Nos.861 and
863 of 2021 in
CRL RC(MD)No.59 of 2021
Date :08/02/2021

LS
TK/VR/SAR.2/10.02.2021/4P/6C