



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

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

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD)Nos.1546 and 1547 of 2021
in
Crl.R.C.(MD) No.138 of 2021

RAGAVAN @ MADASAMY

... PETITIONER/ PETITIONER
in both the petitions

Vs

JEYASEELAN

... RESPONDENT/ RESPONDENT
in both the petitions

PRAYER IN Crl.M.P.(MD)No.1546 of 2021:

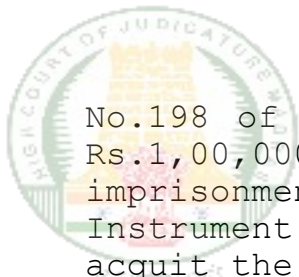
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to to suspend the execution of sentence of improvement imposed by learned IV Additional district Sessions Judge, Tirunelveli on the petitioner in C.A.No.120 of 2019 by judgment dated 19/11/2020 confirming the order of the conviction and sentence dated 12.11.2019 imposed by the learned Judicial Magistrate No.I, Tirunelveli in S.T.C.No.198 of 2016 to undergo six months simple imprisonment and to pay compensation of Rs.100000/-(one lakh) failing which is undergoes two months of simple imprisonment for the offence under section 138 of Negotiable Instrument Act pending disposal of the above criminal Revision Petition.

Prayer in CRL MP(MD) . 1547/ 2021 :

To exempt the petitioner from surrendereing pursuant to the judgment dated 19/11/2020 in C.A.No.120 of 2019 passed by the learned IVth Additional District Sessions Judge, Tirunelveli, confirming the order of the conviction and sentence dated 12/11/2019 imposed by the learned Judicial Magistrate No.1, Tirunelveli in Tirunelveli in S.T.C.No.198 of 2016 pending disposal of the case.

PRAYER IN Crl.R.C.(MD) No.138 of 2021:

To call for the records and set aside the order of conviction and sentence dated 19.01.2020 in C.A.No.120 of 2019 on the file of Learned IV Additional District Sessions Judge, Tirunelveli confirming the order of conviction and sentence dated 12.11.2019 on the file of learned Judicial Magistrate No.I, Tirunelveli in STC



No.198 of 2016 to undergo 6 months simple imprisonment and to pay Rs.1,00,000/- failing which to undergo two months simple imprisonment for the offences under section 138 of Negotiable Instrument Act by allowing this Criminal Revision Petition and acquit the petitioner from all the charges.

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.S.V.VAIRAM SANTHOSH, Advocate for the petitioner in both the petitions, the court made the following order:-

It is seen that the petitioner was convicted by the learned Judicial Magistrate No.I, Tirunelveli in S.T.C.No.198 of 2016 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.1,00,000/- (Rupees One Lakh only), in default, to undergo further period of two months simple imprisonment, by judgment, dated 12.11.2019.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.120 of 2019 before the learned IV Additional Sessions Judge, Tirunelveli. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 19.11.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.138 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.198 of 2016, before the learned Judicial Magistrate No.I, Tirunelveli, 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.1546 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

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



surrender before the Judicial Magistrate No.I, Tirunelveli 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of S.T.C.No.198 of 2016, before the Judicial Magistrate No.I, Tirunelveli, less the amount if already paid by the petitioner 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, Tirunelveli.

(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 cards 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 learned Judicial Magistrate No.I, Tirunelveli, shall re-deposit the sum of **(*) Rs.25,000/- (Rupees Twenty Five Thousand 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.138 of 2021.

6. Consequently, Crl.M.P.(MD)No.1547 of 2021 is dismissed.

sd/-
24/02/2021

**(*)Corrected as per order dated
01.04.2021 in CRL MP(MD)Nos.1546 and
1457 in CRL.RC(MD)No.138 of 2021.**

/ TRUE COPY /

/ /2021

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



TO

(*)To be substituted with the order dated 24/02/2021 already despatched

1 THE IV ADDITIONAL DISTRICT SESSIONS JUDGE,
TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

+1. C.C. to Mr.S.V.VAIRAM SANTHOSH Advocate SR.No.1495

ORDER IN

Crl.M.P.(MD)Nos.1546 and 1547 of 2021
in Crl.R.C.(MD) No.138 of 2021

Date :24/02/2021

SM

MS/VR/SAR-4/26.02.2021/4P.5C

LS

TK/PN/SAR.2/09.04.2021/4P/5C