



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1214 of 2021

in

CRL RC(MD)No.101 of 2021

CINZY JOHNSON

... PETITIONER/PETITIONER

Vs

P.SHANMUGA SUNDARAM

... RESPONDENT/RESPONDENT

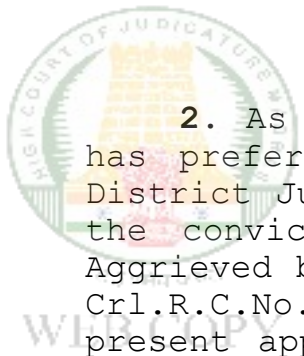
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed in the judgment delivered by the District Judge, Karur in C.A.No.21 of 2020 by judgment dated 28/10/2020 as well as the conviction and sentence imposed by the Judicial Magistrate(Fast Track Court), Karur District in C.C.No.2 of 2017 vide judgment dated 05.02.2020 pending disposal of the main Criminal Revision.

PRAYER IN CRL RC(MD)No.101 of 2021:

Pleased to call for the entire records pertaining to the judgment passed by the District Judge, Karur, in C.A.No.20 of 2020 by judgment dated 28.10.2020 as well as the conviction and sentence imposed by the Judicial Magistrate (Fast Track Court), Karur, in C.C.No.2 of 2017 vide judgment dated 05.02.2020 and set aside the same and consequently acquit the petitioner from all the charges referred to in the said calender case.

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.A.SIVASUBRAMANIAN, Advocate for the petitioner, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate (Fast Track Court), Karur, in C.C.No.2 of 2017 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo eight months simple imprisonment and to pay a fine of Rs.3,000/- (Rupees Three Thousand only) in default to undergo one month simple imprisonment, by its judgment dated 05.02.2020.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.21 of 2020 before the learned District Judge, Karur. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 28.10.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.101 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.2 of 2017, before the learned Judicial Magistrate (Fast Track Court), Karur, 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.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.2 of 2017, before the learned Judicial Magistrate (Fast Track Court), Karur, on or before 10.03.2021.

(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 (Fast Track Court), Karur.

(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 (Fast Track Court), Karur, shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakh 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 Crl. R.C.(MD) No.101 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/-
15/02/2021

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

TO

- 1.THE DISTRICT JUDGE, KARUR.
- 2.THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT), KARUR.
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

ORDER
IN
CRL MP(MD) No.1214 of 2021
in
CRL RC(MD)No.101 of 2021
Date :15/02/2021

MRN
TK/VR/SAR.3/17.02.2021/3P/4C