



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

Thursday, the Eighteenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1344 of 2021
in
Crl.R.C. (MD) No.116 of 2021

J.NACHIAPPAN

... PETITIONER/ PETITIONER

Vs

M.NAGALINGAM

... 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 substantive sentence imposed on the Petitioner by the Judgement dated 23/01/2021 passed in C.C.No.153/2020 passed by the Honourable Judicial Magistrate (Fast Track Court) Karaikudi pending disposal of the Criminal Revision Petition.

Prayer in Crl.R.C. (MD) No.116 of 2021:

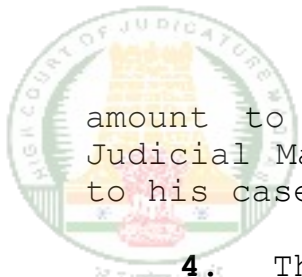
To call for the records and set aside the order dated 23.01.2021 passed in the C.C.No.153 of 2020 on the file of the Judicial Magistrate, (Fast Track Court) Karaikudi.

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.G.PRABHU RAJADURAI, Advocate for the petitioner, the court made the following order:-

It is seen that the petitioner was convicted by the learned Judicial Magistrate, Fast Track Court, Karaikudi, in C.C.No.153 of 2020 for the offence under Section 138 of Negotiable Instruments Act and was ordered to pay a compensation of Rs.1,80,000/- (Rupees One Lakh Eighty Thousand only) in default to undergo three months simple imprisonment, by its judgment dated 23.01.2021.

2. Against the conviction and sentence, the petitioner has preferred a revision case in Crl.R.C.No.116 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.153 of 2020, before the learned Judicial Magistrate, Fast Track Court, Karaikudi, 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.44,625/- (Rupees Forty Four Thousand Six Hundred and Twenty Five only) to the credit of C.C.No.153 of 2020, before the learned Judicial Magistrate, Fast Track Court, Karaikudi, on or before 18.03.2021.

(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, Karaikudi.

(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, Karaikudi, shall re-deposit the sum of Rs.44,625/- (Rupees Forty Four Thousand Six Hundred and Twenty Five 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.116 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/-
18/02/2021

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/ TRUE COPY /

/ /2021

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

TO

1 THE JUDICIAL MAGISTRATE
(FAST TRACK COURT), KARAIKUDI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-1229[I] dated
19/02/2021)

ORDER IN
CRL MP(MD) No.1344 of 2021 in
Crl.R.C.(MD) No.116 of 2021
Date :18/02/2021

MRN
MS/PN/SAR-1/19.02.2021/3P.4C