



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

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

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1493 of 2021
in
CRL RC(MD)No.130 of 2021

S.VIMALADEVI

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

THIRUNAVUKARASU

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

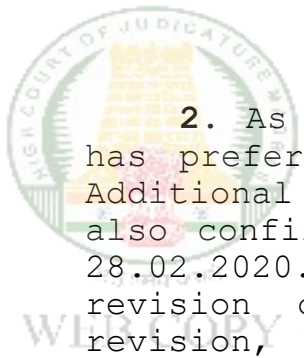
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed vide Judgment dated 24.7.2019 passed by the learned Judicial Magistrate (Fast Track Court, Karur and confirmed in C.A.No.79 of 2019 on the file of Additional Sessions Judge, Karur vide Judgment dated 28.2.2020 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL RC(MD)No.130 of 2021:

Pleased to call for records pertaining to the Judgment dated 28.02.2020 in Criminal Appeal No.79 of 2019 on the file of learned Additional District Judge, Karur against the Judgment 24.07.2019 in S.T.C.No.1015/2011 on the file of the learned Judicial Magistrate (Fast Track Court), Karur and set aside the both by allowing this Revision Petition.

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.R.NARAYANAN, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate (Fast Track Court), Karur, in S.T.C.No.1015 of 2011 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.7,00,000/- (Rupees Seven Lakhs only), in default, to undergo a further period of one month simple imprisonment, by the judgment, dated 24.07.2019.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.79 of 2019 before the learned Additional District Judge, Karur. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 28.02.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.130 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 compensation amount to the credit of S.T.C.No.1015 of 2011, 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.1,75,000/- (Rupees One Lakh Seventy Five Thousand only) to the credit of S.T.C.No.1015 of 2011, before the learned Judicial Magistrate (Fast Track Court), Karur, within a period of five weeks from the date of receipt of a copy of this order;

(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.1,75,000/- (Rupees One Lakh Seventy Five Thousand 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.130 of 2021.

sd/-
23/02/2021

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

TO

1.THE ADDITIONAL SESSIONS JUDGE, KARUR.

2.THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, KARUR.

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

+1. C.C. to Mr.R.NARAYANAN Advocate SR.No.1317

ORDER
IN
CRL MP(MD) No.1493 of 2021
in
CRL RC(MD)No.130 of 2021
Date :23/02/2021

LS
TK/VR/SAR.2/24.02.2021/3P/5C