



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

Friday, the Nineteenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1396 of 2021
in
CRL RC(MD)No.124 of 2021

R.VIJAYA KUMAR

... PETITIONER/PETITIONER

Vs

R.BASKARAN

... 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 imposed by the Learned Additional District and Sessions Judge(FAC), Srivilliputhur dated 8.10.2020 in C.A.No.46/2014 and confirming the Judgment of conviction and sentence passed by the Learned Judicial Magistrate, Sivakasi in S.T.C.No.1428/2011 dated 11.3.2014 and enlarge the petitioner on bail pending disposal of the main revision.

PRAYER IN CRL RC(MD)No.124 of 2021:

Pleased to call for the records relating to Judgment on conviction passed by the Learned Additional District and Sessions Judge(FAC), Srivilliputhur dated 08.10.2020 in C.A.No.46 of 2014 and confirming the Judgment of conviction and sentence passed by the Learned Judicial Magistrate, Sivakasi in S.T.C.No.1428 of 2011 dated 11.03.2014 and set aside the same.

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.Y.JAGADEESH, Advocate for the petitioner, the court made the following order:-

It is seen that the petitioner was convicted by the learned Judicial Magistrate, Sivakasi, in S.T.C.No.1428 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.60,000/-(Rupees Sixty Thousand only), by its judgment dated 11.03.2014.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.46 of 2014 before the learned Additional District and Sessions Judge (FAC), Srivilliputhur. The



first appellate Court has also confirmed the conviction and sentence, by its judgement dated 08.10.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.124 of 2021. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

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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.1428 of 2011, before the learned Judicial Magistrate, Sivakasi, 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.15,000/-(Rupees Fifteen Thousand only) to the credit of S.T.C.No.1428 of 2011, before the learned Judicial Magistrate, Sivakasi, on or before 04.03.2021.

(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, Sivakasi.

(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, Sivakasi, shall re-deposit the sum of



Rs.15,000/- (Rupees Fifteen 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.124 of 2021.

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(vi) If the aforesaid condition is not complied within the prescribed time limit, the order of suspension of sentence stands automatically cancelled.

sd/-
19/02/2021

/ TRUE COPY /

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

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAC),
SRIVILLIPUTHUR.

2.THE JUDICIAL MAGISTRATE,
SIVAKASI.

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1 CC to M/s.P.AJITHA, Advocate (SR-1251[I] dated 19/02/2021)

ORDER
IN
CRL MP (MD) No.1396 of 2021
in
CRL RC (MD) No.124 of 2021
Date :19/02/2021

MRN
TK/PN/SAR.1/19.02.2021/3P/6C