



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

Friday, the Ninth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3804 of 2021

IN

CRL RC. (MD) No.373 of 2021

ARUNACHALAM

... REVISION PETITIONER/SOLE ACCUSED/
ACCUSED

Vs

SATTANATHAN

... 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 by the Learned Judicial Magistrate, Ambasamudram in C.C.NO.78/2015 dated 24/05/2018 confirmed by the Learned III- Additional District and Sessions Judge, Tirunelveli District in C.A.No.59 of 2018 dated 21/11/2019 enlarged the petitioner on bail pending disposal of the above Criminal Revision petition.

PRAYER IN CRL RC. (MD) No.373 of 2021 :

To call for the records pertaining to the Judgment passed by the learned Judicial Magistrate, Ambasamudram, by convicting the Revision Petitioner in C.C.No.78 of 2015 dated 24.05.2018 and confirming the judgment by the Learned III-Additional District and Sessions Judge, Tirunelveli District in C.A.No.59 of 2018 by an order dated 21.11.2019 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.S.KRISHNAN, Advocate for the petitioner and of Mr.S.R.A.RAMACHANDRAN, Advocate on behalf of the Respondent, the Court made the following order:-

The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act, and sentenced him to undergo simple imprisonment for a period of one year in C.C.No.78 of 2015, on the file of the learned Judicial Magistrate, Ambasamudram.



2.The learned IIIrd Additional District and Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.59 of 2018, dated 21.11.2019.

3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram;

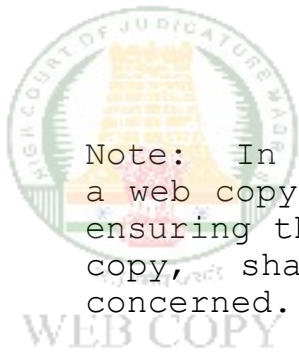
(ii) Since the cheque amount is Rs.1,60,000/- (Rupees One lakh Sixty thousand only) the petitioner is directed to deposit 20% of the same i.e a sum of Rs.32,000/- (Rupees Thirty Two thousand only) to the credit of C.C.No.78 of 2015, on the file of the learned Judicial Magistrate, Ambasamudram, within a period of two weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending revision.

sd/-
09/07/2021

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI DISTRICT.
- 2.THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL MP (MD) No.3804 of 2021
IN
CRL RC. (MD) No.373 of 2021
Date :09/07/2021

VSD
PK/VR/SAR-III/12.07.2021 : 3P/4C