



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

Thursday, the Seventh day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2129 of 2020
IN
CRL RC(MD) No.243 of 2020

R.SELVAKUMARAN

... PETITIONER/ PETITIONER

Vs

M/S.KAVIMALAR INVESTMENTS
REPRESENTED BY ITS PARTNER
R.KATHIRESAN

... RESPONDENT/ RESPONDNET

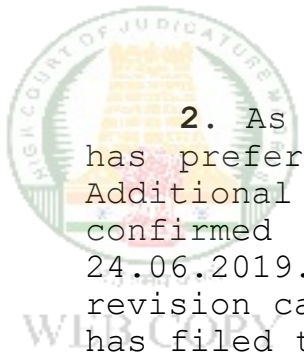
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the conviction and sentence passed in C.C.No.447/2016 on the file of the Learned Judicial Magistrate (Fast Track), Karur dated 28.03.2019 and confirmed in Crl.A.(MD).No.48/2019 dated 24.06.2019 on the file of the Hon'ble Additional Sessions Judge, Karur pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD) No.243 of 2020:

To call for the records relating to the impugned order passed by C.C.No.447 of 2016 on the file of the Learned Judicial Magistrate (Fast Track), Karur dated 28/03/2019 and confirmed in Crl.A.(MD) No.48 of 2019 dated 24/06/2019 on the file of the Honourable Additional Sessions Judge, Karur and to set aside the same as illegal.

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.N.SATHEESH KUMAR, Advocate for the petitioner and of Mr.P.ATHIMOOLA PANDIAN, Advocate on behalf of the Respondent, 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.447 of 2016 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay a fine of Rs.3,000/- (Rupees Three Thousand only) in default to undergo thirty days simple imprisonment, by its judgment dated 28.03.2019.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.48 of 2019 before the learned Additional Sessions Judge, Karur. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 24.06.2019. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.243 of 2020. 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.447 of 2016, 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.

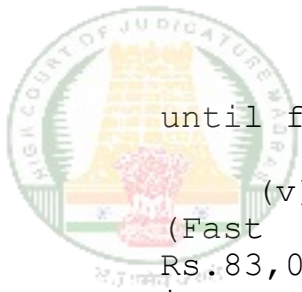
5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) the petitioner shall deposit of sum of Rs.1,27,800/- (Rupees One Lakh Twenty Seven Thousand and Eight Hundred only) to the credit of C.C.No.447 of 2016, before the learned Judicial Magistrate (Fast Track Court), Karur, on or before 08.02.2021.

(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.83,070/- (Rupees Eighty Three Thousand and Seventy 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.243 of 2020.

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

sd/-
07/01/2021

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

TO

1 THE JUDICIAL MAGISTRATE (FAST TRACK COURT),
KARUR

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

3 THE ADDITIONAL SESSIONS JUDGE, KARUR.

+1 CC to M/s.N.SATHEES KUMAR, Advocate (SR-172[I] dated 08/01/2021)

ORDER
IN
CRL MP(MD) No.2129 of 2020
IN
CRL RC(MD) No.243 of 2020
Date :07/01/2021
5/5

MS/VR/SAR-1/08.01.2021/3P.5C