



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

Wednesday, the Twenty Fourth day of February Two Thousand and
Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.1544 and 1545 of 2021
IN
CRL RC(MD) No.137 of 2021

B.SETHUPATHI

... PETITIONER/PETITIONER
IN BOTH PETITIONS

Vs

M.RAJESWARI

... RESPONDENT/RESPONDENT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.1544 of 2021 in CRL RC(MD) No.137 of 2021:

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 of imprisonment made in Crl.A.No.155 of 2019 on the file of the Learned VI Additional Sessions Judge, Madurai dated 16.10.2020 confirmed the judgment in S.T.C.No.311 of 2018 on the file of the learned Judicial Magistrate No.II,/Fast Track Court Magisterial Level, Madurai dated 29.11.2019, pending disposal of the Criminal Revision Petition.

PRAYER IN CRL MP(MD)No.1545 of 2021 in CRL RC(MD) No.137 of 2021:

To exempt the petitioner from surrender made in Crl.A.No.155 of 2019 on the file of the learned VI Additional Sessions Judge, Madurai dated 6.10.2020 confirmed the judgment in S.T.C.No.311 of 2018 on the file of the learned Judicial Magistrate No.II,/Fast Track Court Magisterial Level, Madurai dated 29.11.2019 and allow the Criminal Revision Petition.

PRAYER IN CRL RC(MD) No.137 of 2021:

Pleased to call for records and set aside the judgment and conviction dated 06.10.2020 made in Crl A.No.155 of 2019 passed by the learned VI Additional Sessions Judge, Madurai confirming the judgment and conviction dated 29.11.2019 made in S.T.C.No.311 of 2018 passed by the learned Judicial Magistrate No.II,/Fast Track Court Magisterial Level, Madurai, acquit the petitioner and allow the Criminal Revision Petition.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the

<https://hcservices.ecourts.gov.in/hcservices/>



arguments of Mr.R.JENIFAR BIBIN, Advocate for the petitioner in both petitions, the court made the following order:-

It is seen that the petitioner was convicted by the learned Judicial Magistrate No.II / Fast Track Court, Magisterial Level, Madurai in S.T.C.No.311 of 2018 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.4,80,000/- (Rupees Four Lakhs and Eighty Thousand only), in default, to undergo further period of two months simple imprisonment, by judgment, dated 29.11.2019.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.155 of 2019 before the learned VI Additional Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 06.10.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.137 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 S.T.C.No.311 of 2018, before the learned Judicial Magistrate No.II / Fast Track Court, Magisterial Level, Madurai, 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, Crl.M.P.(MD)No.1544 of 2021 is allowed and 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 is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate No.II / Fast Track Court, Magisterial Level, Madurai within a period of four weeks from the date of receipt of copy of this order;



(ii) the petitioner shall deposit of sum of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the credit of S.T.C.No.311 of 2018, before the Judicial Magistrate No.II / Fast Track Court, Magisterial Level, Madurai, less the amount if already paid by the petitioner within a period of four weeks from the date of receipt of copy of this order;

(iii) 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 Judicial Magistrate No.II / Fast Track Court, Magisterial Level, Madurai.

(iv) 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 cards to ensure their identity.

(v) 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.

(vi) On such deposit, the learned Judicial Magistrate No.II / Fast Track Court, Magisterial Level, Madurai, shall re-deposit the sum of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C.(MD) No.137 of 2021.

6. Consequently, CrI.M.P.(MD)No.1545 of 2021 is dismissed.

sd/-
24/02/2021

/ TRUE COPY /

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

TO

1.THE VI ADDITIONAL SESSIONS JUDGE,
MADURAI.

2.THE JUDICIAL MAGISTRATE No.II,
FAST TRACK COURT, MAGISTRATE LEVEL,
MADURAI.



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

+1 CC to M/s.R.JENIFER BIBIN, Advocate (SR-1482[I] dated 25/02/2021)

WEB COPY

ORDER

IN

CRL MP(MD) Nos.1544 and 1545
of 2021 IN

CRL RC(MD) No.137 of 2021

Date :24/02/2021

SM

TK/PN/SAR.1/25.02.2021/4P/5C