



WEB COPY

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

Monday, the First day of March Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI
CRL MP(MD) No.1731 AND 1732 of 2021

IN
CRL.R.C.No.158 OF 2021

A.MOHAMED SATHAKATHULLAH

... PETITIONER/PETITIONER

Vs

P.SUBRAMANIYAN

... RESPONDENT/RESPONDENT

PRAYER IN CRL MP(MD) No.1731 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 passed against the petitioner/Accused above name in C.A.NO.10 of 2019 by the order dated 07/01/2020 rendered by the Principal District and Sessions Court, Ramanathapuram, by reversing the order of acquittal passed by the Judicial Magistrate No.I, Ramanathapuram in S.T.C.NO.841 of 2009 dated 21.02.2019 and enlarge him on bail pending disposal of the Criminal Revision.

Prayer in CRL MP(MD) . 1732/ 2021 :

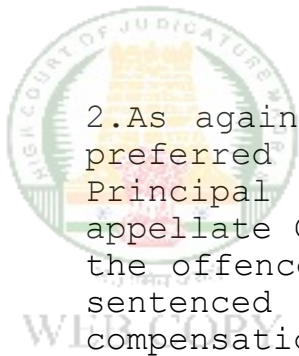
To grant exemption to the petitioner from surrendering to custody pursuant to the order of conviction and award of sentence rendered by Principal District and Sessions Court, Ramanathapuram in C.A.No.10 of 2019 vide order dated 07/01/2020 pending disposal of the Revision.

Prayer in Crl.R.C.No.158 of 2021:

Pleased to call for the records and set aside the order of conviction and sentence rendered by the Principal District and Sessions Court, Ramanathapuram in C.A.No.10 of 2019 by this order dated 07.01.2020 by reversing the order passed in S.T.C.NO.841 of 2009 Judicial Magistrate No-I, Ramanathapuram dated 21.02.2019.

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.ANANTHAPADMANABHAN for M/S.APN LAW ASSOCIATES, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

It is seen that the petitioner was acquitted by the Judicial Magistrate No.I, Ramanathapuram, in S.T.C.No.841 of 2009 for the offence under Section 138 of Negotiable Instruments Act, by judgment, dated 21.02.2019.



2.As against the said conviction and sentence, the complainant has preferred an appeal in C.A.No.10 of 2019 before the learned Principal District and Sessions Court, Ramanathapuram. The first appellate Court has allowed the Appeal and convicted the accused for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year rigorous imprisonment and to pay compensation of Rs.20,00,000/-(Rupees Twenty Lakhs only), out of which, Rs.19,00,000/-(Rupees Nineteen Lakhs only) to the complainant, in default, to undergo further period of three months, by judgment, dated 07.01.2020.

3.Aggrieved by which, the petitioner/accused has preferred a revision case in Crl.R.C.No.158 of 2021. Along with the revision, they have filed the present application for suspension of sentence pending disposal of the said revision.

4.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.841 of 2009, before the Judicial Magistrate No.I, Ramanathapuram, without prejudice to his case.

5.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 petitioners 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.

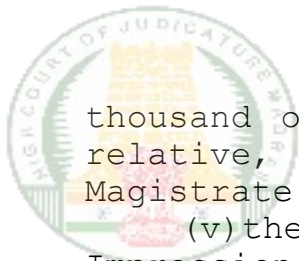
6.Accordingly, Crl.M.P.(MD)No.1656 of 2020 is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:-

(i) the petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate No.I, Ramanathapuram, 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.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to the credit of S.T.C.No.841 of 2009, before the Judicial Magistrate No.I, Ramanathapuram, within a period of two months from the date of receipt of copy of this order.

(iii) if the petitioner is not deposit the said amount within a stipulated period as mentioned above, the suspension of sentence granted in favour of the petitioner shall stand dismissed automatically;

(iv)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.I, Ramanathapuram.

(v) 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.

(vi) 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.

(vii) On such deposit, the learned Judicial Magistrate No.I, Ramanathapuram, shall re-deposit the sum of 2,50,000/- (Rupees Two Lakhs and Fifty 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 Crl. R.C.(MD)No.158 of 2021.

6. Accordingly, Crl.M.P.(MD)No.1657 of 2021 is dismissed.

sd/-
01/03/2021

/ TRUE COPY /

/ /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 Principal District and Sessions Judge,
Ramanathapuram.
2. The Judicial Magistrate No.I, Ramanathapuram.
3. do Through:
The Chief Judicial Magistrate, Ramanathapuram.

ORDER
IN
CRL MP(MD) No.1731 AND
1732 of 2021
IN
CRL.R.C.No.158 OF 2021
Date :01/03/2021

NR/PN/SAR-I(03.03.2021) 3P:4C

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