



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

Wednesday, the Twentieth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD)Nos.1853 and 1854 of 2020
in
Crl.R.C.(MD) No.208 of 2020

K.P.SURULIRAJ ... PETITIONER/ REVISION PETITIONER/
APPELLANT/ ACCUSED
IN BOTH THE PETITIONS

Vs

P.V.FRANCIS XAVIER ... RESPONDENT/ RESPONDENT/
RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

PRAYER IN Crl.M.P(MD)No.1853 of 2020:

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 in S.T.C.No.154/2016 dated 24.04.2019 on the file of the Fast Track Court No.II, Madurai, as confirmed by the judgment dated 21.11.2019, made in Crl.Appeal No.67 of 2019 on the file of V Additional District and Sessions Judge, Madurai.

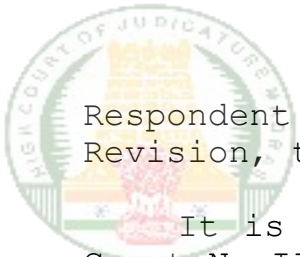
PRAYER IN Crl.M.P(MD)No.1854 of 2020:

To EXEMPT from surrender in connection with judgment in S.T.C.No.154 of 2016 dated 24.04.2019 on the file of the Fast Track Court No.II, Madurai, as confirmed by the Judgment dated 21.11.2019, made in Crl.Appeal No.67 of 2019 on file of V Additional District and Sessions Judge, Madurai till the disposal of the instant Criminal Revision Petition.

Prayer in Crl.R.C. (MD) No.208 of 2020:

To allow the Revision Petition, set aside the conviction and sentence dated 24.04.2019 in S.T.C.No.154/2016 on the file of the Fast Track Court No.II, Madurai and confirmed by the judgment dated 21.11.2019, made in Crl.Appeal No.67 of 2019 on the file of V Additional District and Sessions Judge, Madurai.

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.MANOHRAN, Advocate for the petitioner in both the petitions and of Mr.A.S.SHANGEETHA, Advocate on behalf of the



Respondent in both the petitions, While admitting the Criminal Revision, the Court made the following order:-

It is seen that the petitioner was convicted by the Fast Track Court No.II , Madurai, in S.T.C.No.154 of 2016 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay compensation of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the complainant under Section 357 Cr.P.C, by judgment, dated 24.04.2019.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.67 of 2019 before the V Additional Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 21.11.2019. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.208 of 2020. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

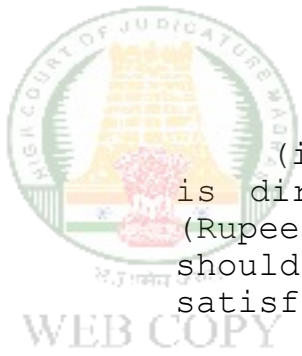
3. The learned counsel for the petitioner fairly conceded that the petitioner is ready and willing to deposit 25% of the cheque amount to the credit of S.T.C.No.154 of 2016, before the Fast Track Court No.II , Madurai, without prejudice to his case.

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.1853 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 Fast Track Court No.II, Madurai, within a period of four weeks from the date of receipt of copy of this order;

(ii) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of S.T.C.No.154 of 2016, before the Fast Track Court No.II, Madurai, 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 Fast Track Court No.II, 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 card 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 Fast Track Court No.II, Madurai, shall re-deposit the sum of Rs.5,00,000/- (Rupees Five Lakhs 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.208 of 2020.

6. Accordingly, Crl.M.P.(MD) No.1854 of 2020 is dismissed.

sd/-
20/01/2021

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

TO

1. THE JUDGE, FAST TRACK COURT NO.II,
MADURAI.

2. THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

ORDER IN
Crl.M.P.(MD) Nos.1853 and 1854 of 2020
in Crl.R.C.(MD) No.208 of 2020
Date : 20/01/2021

Ls
MS/PN/SAR-2/22.01.2021/3P.3C