



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

Friday, the Nineteenth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD) Nos.2367 and 2368 of 2021
in
Crl.R.C.(MD) No.229 of 2021

A.CHANDRASEKARAN

... PETITIONER/ APPELLANT/
ACCUSED
in both the petitions

Vs

P.BOOPATHI

... RESPONDENT/ RESPONDENT/
COMPLAINANT
in both the petitions

PRAYER IN Crl.M.P.(MD) No.2367 of 2021:

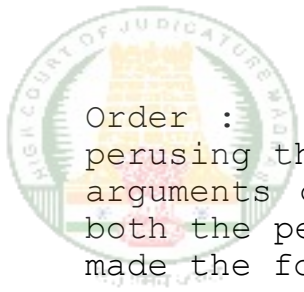
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed in the vide judgment dated 02/12/2020 made in C.A.No.7 of 2020 on the file of the Learned Sessions Judge, Karur Confirming the conviction imposed in the judgment dated 19/12/2019 made in C.C.No.24 of 2018 on the file of the learned Judicial Magistrate(Fast Track Court), Karur pending the disposal of the main criminal revision.

PRAYER IN Crl.M.P.(MD) No.2368 of 2021:

To exempt the petitioner from surrendering in pursuant to the sentence imposed in the vide Judgment dated 02/12/2020 made in C.A.No.7 of 2020 on the file of the Learned Sessions Judge, Karur Confirming the conviction imposed in the judgment dated 19/12/2019 made in C.C.No.24 of 2018 on the file of the learned Judicial Magistrate(Fast Track Court), Karur pending the disposal of the main criminal revision.

Prayer in Crl.R.C.(MD) No.229 of 2021:

To call for the records and set aside the conviction imposed in the Judgment dated 02/12/2020 made in C.A.No.7 of 2020 on the file of the Learned Sessions Judge, Karur Confirming the conviction imposed in the judgment dated 19/12/2019 made in C.C.No.24 of 2018 on the file of the learned Judicial Magistrate(Fast Track Court), Karur by allowing this 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 arguments of Mr.P.SAMUEL GUNASINGH, Advocate for the petitioner in both the petitions, While admitting the Criminal Revision, the court made the following order:-

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It is seen that the petitioner was convicted by the learned Judicial Magistrate (Fast Track Court), Karur, in C.C.No.24 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.3,00,000/- (Rupees Three Lakhs only) in default to undergo one month simple imprisonment, by its judgment dated 19.12.2019.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.7 of 2020 before the learned Sessions Judge, Karur. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 02.12.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.229 of 2021. Along with the revision, he has filed these applications (i) for suspension of sentence till the disposal of the revision and (ii) for exemption of surrendering before the trial Court.

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.24 of 2018, 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 is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the learned Judicial Magistrate (Fast Track Court), Karur, within a period of two weeks from the date of receipt of copy of this order.



(ii) the petitioner shall deposit of sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of C.C.No.24 of 2018, before the learned Judicial Magistrate (Fast Track Court), Karur, on or before 08.04.2021.

(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 learned Judicial Magistrate (Fast Track Court), Karur.

(iv) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 learned Judicial Magistrate (Fast Track Court), Karur, shall re-deposit the sum of Rs.75,000/- (Rupees Seventy Five Thousand 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.229 of 2021.

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

6. Accordingly, Crl.M.P.(MD)No.2368 of 2021 is dismissed.

sd/-
19/03/2021

/ TRUE COPY /

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



TO

1 THE SESSIONS JUDGE,
KARUR.

2 THE JUDICIAL MAGISTRATE (FAST TRACK COURT),
KARUR.

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

ORDER IN

Crl.M.P.(MD) Nos.2367 and 2368 of 2021
in Crl.R.C.(MD) No.229 of 2021

Date :19/03/2021

MRN

MS/SMA/SAR-4/23.03.2021/4P.4C