



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

Thursday, the Eighteenth day of March Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

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CRL MP(MD) Nos.2289 and 2291 of 2021
in
CRL RC(MD)No.209 of 2021

G.A.M.DHANDAPANI

... PETITIONER/REVISION PETITIONER
IN BOTH PETITIONS

Vs

P.A.ATHISAYAM

... RESPONDENT/REVISION RESPONDENT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.2289 of 2021 IN CRL RC(MD)No.209 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 execution of sentence by granting bail in Crl.A.No.23/2019 dated 11.01.2021 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) Theni in S.T.C.No.715/2011 dated 11.03.2019 on the file of the Learned Judicial Magistrate Cum(Fast Track Court), Uthamapalayam, Theni District.

PRAYER IN CRL MP(MD)No.2291 of 2021 IN CRL RC(MD)No.209 of 2021:

Pleased to exempt the Revision Petitioner to surrender in Crl.A No.23/2019 dated 11.01.2021 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) Theni in S.T.C No.715/2011 dated 11.03.2019 on the file of the Learned Judicial Magistrate Cum(Fast Track Court), Uthamapalayam, Theni District.

PRAYER IN CRL RC(MD)No.209 of 2021:

To call for the records from the lower court and to duly set aside the judgment passed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni in Crl.A.No.23/2019 dated 11.01.2021 confirming the learned Judicial Magistrate Cum(Fast Track Court), Uthamapalayam, Theni in S.T.C.No.715 of 2011 dated 11.03.2019.

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.J.SENTHIL KUMAR, 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 cum Fast Track Court, Uthamapalayam, Theni, in

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



S.T.C.No.715 of 2011 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and to pay a compensation of Rs.6,00,000/- (Rupees Six Lakhs only) in default to undergo six months simple imprisonment, by its judgment dated 11.03.2019.

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2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.23 of 2019 before the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 11.01.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.209 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 S.T.C.No.715 of 2011, before the learned Judicial Magistrate, Theni, 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 cum Fast Track Court, Uthamapalayam, Theni, 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.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of S.T.C.No.715 of 2011, before the learned Judicial Magistrate cum Fast Track Court, Uthamapalayam, Theni, on or before 06.04.2021.

(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 cum Fast Track Court, Uthamapalayam, Theni.

(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 learned Judicial Magistrate cum Fast Track Court, Uthamapalayam, Theni, shall re-deposit the sum of Rs.1,50,000/- (Rupees One Lakh and Fifty 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.209 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.2291 of 2021 is dismissed.

sd/-
18/03/2021

/ TRUE COPY /

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

TO

1. THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT), THENI.
2. THE JUDICIAL MAGISTRATE CUM FAST TRACK COURT,
UTHAMAPALAYAM, THENI DISTRICT.
3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

ORDER IN
CRL MP(MD) Nos.2289 and 2291
of 2021 in
CRL RC(MD)No.209 of 2021
Date :18/03/2021

MRN

<https://hccservices.mca.gov.in/hccservices> 3.2021/3P/4C