



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

Thursday, the First day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD) Nos.2482 and 2483 of 2021
in
Crl.R.C. (MD) No.240 of 2021

M.ILAVARASU

... PETITIONER/ REVISION PETITIONER
in both the petitions

Vs

M.MARUTHUPANDIYAN

... RESPONDENT/ RESPONDENT
in both the petitions

PRAYER IN Crl.M.P. (MD) No.2482 of 2021:

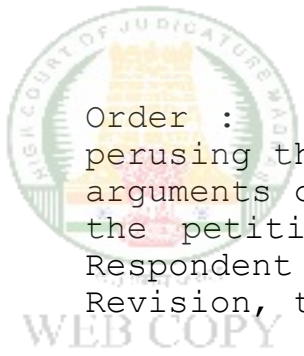
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to SUSPEND THE SENTENCE imposed in Crl.A.No.35 of 2019 dated 25.01.2021 passed by the Learned V Additional District and Sessions Judge, Madurai confirming the judgment passed in S.T.C No.415 of 2016 dated 23.11.2018 on the file of the learned Judicial Magistrate No.2, (FTC Magistrate Level), Madurai pending disposal of the above revision.

Prayer in CRL MP(MD) . 2483/ 2021 :

To Exempt the Petitioner from surrendering before the trial court in the above S.T.C No.415/2016 on the file of the Learned Judicial Magistrate No.2 (FTC Magistrate Level) Madurai pending disposal of the Criminal Revision.

Prayer in Crl.R.C. (MD) No.240 of 2021:

To call for the records pertaining to the judgment in Crl.A.No.35 of 2019 dated 25.01.2021 passed by the Learned V Additional District and Sessions Judge, Madurai confirming the judgment passed in S.T.C No.415 of 2016 dated 23.11.2018 on the file of the learned Judicial Magistrate No.2, (FTC Magistrate Level), Madurai and set aside the same by allowing the above Criminal Revision.



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.M.SHAKUL HAMEED, Advocate for the petitioner in both the petitions and of Mr.V.THIRUMAL, 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 Judicial Magistrate No.II, (Fast Track Court at Magistrate Level), Madurai, in S.T.C.No.415 of 2016 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.5,00,000/- (Rupees Five Lakhs only), by the judgment, dated 23.11.2018.

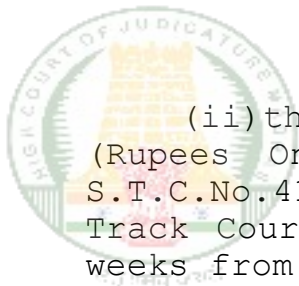
2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.35 of 2019 before the learned V Additional District and Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 25.01.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.240 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.415 of 2016, before the Judicial Magistrate No.II, (Fast Track Court at Magistrate 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.2482 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 at Magistrate Level, Madurai, within a period of six weeks from the date of receipt of copy of this order;



(ii) the petitioner shall deposit of sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) to the credit of S.T.C.No.415 of 2016, before the Judicial Magistrate No.II, Fast Track Court at Magistrate Level, Madurai, within a period of six weeks from the date of receipt of copy of this order;

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(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 at Magistrate 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 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 before the Judicial Magistrate No.II, Fast Track Court at Magistrate Level, Madurai, shall re-deposit the sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five 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.240 of 2021.

6. Accordingly, Crl.M.P.(MD) No.2483 of 2021 is dismissed.

sd/-
01/04/2021

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

TO

- 1 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.2,
(FAST TRACK COURT AT MAGISTRATE LEVEL), MADURAI.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- +1 CC to M/s.V.THIRUMAL, Advocate (SR-2815[I] dated 01/04/2021)

ORDER IN
Crl.M.P.(MD) Nos.2482 and 2483 of 2021
in Crl.R.C.(MD) No.240 of 2021
Date :01/04/2021

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<https://hmsvcgscgcrb.gov.in/Case/34.2021/3P.5C>