



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

Wednesday, the Tenth day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.9448 of 2021
in
Crl.R.C.(MD) No.28 of 2021

S.ARULANANTHAM

... PETITIONER/ PETITIONER

Vs

R.JOHN RAMESH

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suitably modify the conditions No.1 and 3 of the order dated 25.01.2021 in Crl.MP.(MD).No.427 of 2021.

Prayer in CRL.R.C.(MD) No.28 of 2021:

To call for the records and set aside the order in Criminal Appeal No.34 of 2019 on the file of the Additional District cum Sessions Court, Dindigul, dated 29.10.2020 confirming the judgment CC.No.443/2012 on the file of the Judicial Magistrate Court, Nilakottai dated 01.10.2018 and allow this Criminal Revision with costs.

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.H.LAKSHMI SHANKAR, Advocate for the petitioner and of Mr.S.SARVAGAN PRABHU, Advocate for the Respondent, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate, Nilakottai, in S.T.C.No.443 of 2012 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.5,00,000/-, in default, he was sentenced to undergo six months simple imprisonment, by judgment, dated 01.10.2018.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.34 of 2019 before the learned Additional District cum Sessions Judge, Dindigul. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 29.10.2020. Aggrieved by which, the petitioner



has preferred a revision case in Crl.R.C.(MD)No.28 of 2021. Along with the revision, he has filed petitions in Crl.M.P.(MD)Nos.427 and 428 of 2021, for suspension of sentence and for exempting the petitioner from surrendering before the trial Court. Crl.M.P.(MD) No.427 of 2021 was allowed by this Court with certain conditions. Aggrieved by that order, that petitioner has filed this petition to modify the condition imposed in Crl.M.P.(MD)No.427 of 2021.

3. On the side of the petitioner, it is stated that the order copy was made ready on 29.01.2021 and was received by the counsel on 01.02.2021. Due to mis-communication, a deposit already made by the petitioner was not informed to the Court. Hence, a modification application in Crl.M.P.(MD)No.1268 of 2021 in Crl.R.C.(MD)No.28 of 2021 was filed and the Court modified the condition on 16.02.2021. The petitioner is not having a blood relative. The son of the petitioner is living in a rental house and siblings are not alive and their close blood relatives do not have any property and the petitioner is prepared to produce sureties and but, not a blood surety and prayed time to be extended for surrendering.

4. The learned counsel for the respondent has no serious objection.

5. In view of the submission made by the learned counsel for the petitioner, this Court is inclined to extend the time for surrendering before the Court. The petitioner is permitted to surrender before the trial Court within one month from the date of receipt of a copy of this order. The condition No.iii is hereby modified to the effect that the petitioner has to execute a bond for a sum of Rs.10,000/- with two sureties for a like sum to the satisfaction of the Judicial Magistrate No.II, Dindigul. All other conditions shall stand unaltered. This Petition is allowed accordingly.

sd/-
10/11/2021

/ 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 ADDITIONAL DISTRICT CUM SESSIONS JUDGE,

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



2 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.

3 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

+1. C.C. to M/S.H.LAKSHMI SHANKAR, Advocate SR.No.7953

ORDER

IN

CRL MP(MD) No.9448 of 2021
& Crl.R.C.(MD) No.28 of 2021

Date :10/11/2021

2/2

Ls

MS/CN/SAR-4/19.11.2021/3P.6C