



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Ninth day of July Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3255 of 2021

in

CRL RC(MD)No.330 of 2021

B.SHEELADEVI

... PETITIONER/REVISION PETITIONER

Vs

G.B.SELVARAJ

... RESPONDENT/ RESPONDENT

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 of one year simple imprisonment and the compensation of cheque amoutn of Rs 3,50,000 Payable to respondent/complainant within the limitation of two months as per sections 357 of Criminal Procedure code were confirmed in C.A.No.42 of 2018 on the file of learned Vth Additional District and Sessions Judge, Madurai dated 14.10.2020 confirming the judgment made in S.T.C.No.413 of 2014 on the file of learned Judicial Magistrate Level No.1 Fast Track Court at Magisterial Level, Madurai dated 07.04.2018 by convicting the revision petitioner for offences under Section 138 of Negotiable Instrument Act.

PRAYER IN CRL RC(MD)No.330 of 2021:

Pleased to set aside the Judgment of conviction confirmed in C.A.No.42 of 2018 on the file of the learned Vth Additional District and Sessions Judge, Madurai dated 14.10.2020 imposed in S.T.C.No.413 of 2014 on the file of Judicial Magistrate No.1 Fast Track Court at Magisterial Level, Madurai dated 07.04.2018 and allow the above revision petition.

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.M.SAKTHIKUMAR, Advocate for Mr.M.CHELLAPANDIAN, Advocate for the petitioner and of None appeared either in person or by an Advocate on behalf of the Respondent, the court made the



following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act, and sentenced him to undergo simple imprisonment for a period of one year and to pay a sum of Rs.3,50,000/- (Rupees Three lakh fifty thousand only) to the respondent as compensation within a period of two months in S.T.C.No.413 of 2014, on the file of the learned Judicial Magistrate No.1, Fast Track Court (Magisterial Level), Madurai.

2.The learned Vth Additional District and Sessions Judge, Madurai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.42 of 2018, dated 14.10.2020.

3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.No representation on behalf of the respondent.

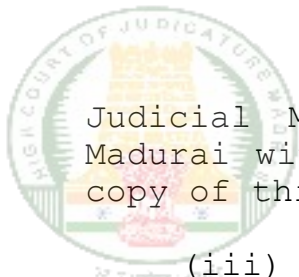
5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Fast Track Court (Magisterial Level), Madurai;

(ii) Since the cheque amount is Rs.3,50,000/- (Rupees Three lakh fifty thousand only) the petitioner is directed to deposit 20% of the same i.e a sum of Rs.70,000/- (Rupees Seventy thousand only) to the credit of S.T.C.No.413 of 2014, on the file of the learned



Judicial Magistrate No.1, Fast Track Court (Magisterial Level),
Madurai within a period of two weeks from the date of receipt of a
copy of this order;

(iii) and on further condition that the petitioner shall appear
before the said Court once in a week i.e., on the first working day
of every week at 10.30 a.m. pending revision.

sd/-
09/07/2021

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/ /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 V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
- 2.THE JUDICIAL MAGISTRATE NO. I,
FAST TRACK COURT AT MAGISTERIAL LEVEL,
MADURAI.
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

ORDER IN
CRL MP(MD) No.3255 of 2021
in
CRL RC(MD)No.330 of 2021
Date :09/07/2021

VSD
TK/VR/SAR.3/12.07.2021/3P/4C