



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twelfth day of July Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.3343 of 2021

IN

CRL RC (MD) No.335 of 2021

R.UMA

... PETITIONER/PETITIONER

Vs

G.LENIN MUTHU

... RESPONDENT/RESPONDENT

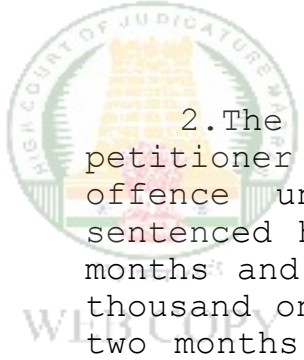
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence of conviction passed in Criminal Appeal No.34/2019 by the Learned II Additional District and Sessions Judge, Thanjavur dated 04.01.2021 by confirming the conviction in S.T.C.No.52/2016 Passed by the Learned Fast Track Judicial Magistrate, Thanjavur dated 27.02.2019.

Prayer in CRL RC (MD) No.335 of 2021:

To call for the records of the learned II Additional District and Sessions Judge, Thanjavur, in C.A.No.34/2019, confirming the Judgment and conviction of the learned Fast Track Judicial Magistrate Court, Thanjavur dated 27.02.2019, in S.T.C.No.52/2016, by the Judgment dated 04.01.2021 and set aside the judgment and conviction of the lower court and allow the 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.SARAVANAN.A., Advocate for the petitioner and of M/s.M.P.RONIGA, Advocate for the Respondent, the Court made the following order:-

This petition is filed to suspend the sentence of conviction passed in Criminal Appeal No.34 of 2019 by the learned II Additional District and Sessions Judge, Thanjavur, dated 04.01.2021 by confirming the conviction in S.T.C.No.52 of 2016 passed by the learned Judicial Magistrate, Fast Track Court, Thanjavur, dated 27.02.2019.



2.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 three months and to pay a sum of Rs.8,50,000/- (Rupees Eight lakh fifty thousand only) to the respondent as compensation within a period of two months in default to undergo imprisonment for a period of one month in S.T.C.No.52 of 2016, on the file of the learned Judicial Magistrate, Fast Track Court, Thanjavur.

3.The learned II Additional District and Sessions Judge, Thanjavur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.34 of 2019, dated 04.01.2021.

4.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.

5.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

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

7.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.

8.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, Fast Track Court, Thanjavur;

(ii) Since the cheque amount is Rs.8,50,000/- (Rupees Eight lakh fifty thousand only) the petitioner is directed to deposit 20% of the same i.e a sum of Rs.1,70,000/- (Rupees One lakh seventy thousand only) to the credit of S.T.C.No.52 of 2016, on the file of the learned Judicial Magistrate, Fast Track Court, Thanjavur 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 Koyambedu Police Station, Chennai once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

WEB COPY

sd/-
12/07/2021

/ 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 II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.
2. THE JUDICIAL MAGISTRATE,
FAST TRACK COURT,
THANJAVUR.

COPY TO:-

THE INSPECTOR OF POLICE,
KOYAMBEDU POLICE STATION,
CHENNAI.

+1 CC to Mr.A.SARAVANAN, Advocate (SR-4513[I] dated 12/07/2021)

ORDER
IN
CRL MP(MD) No.3343 of 2021 IN
CRL RC(MD)No.335 of 2021
Date :12/07/2021

VSD
TE/MNR/SAR-IV : 13/07/2021 : 3P/5C