



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

Friday, the Eleventh day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL MP(MD) No.3720 of 2021
in
CRL RC(MD)No.367 of 2021

I.K.RAMASUBRAMANIAN

... PETITIONER/ACCUSED

Vs

M/S.MEENAKSHI CHEMICALS PVT LTD.,
PROPRIETOR, K.JEEVA,
S/O.P.M. KUMAR,
NO.25, JAWAHAR 5TH STREET,
S.S.COLONY, MADURAI.

... RESPONDENT/COMPLAINANT

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 passed by the Learned Judicial Magistrate No.II, Madurai (FTC Magisterial Level) Madurai in STC No.24 of 2016 by Judgment dated 22/03/2019 which has been confirmed by VI Additional District Judge, Madurai in C.A.No.59 of 2019 by Judgment dated 05.01.2021 pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD)No.367 of 2021:

To call for the records relating to judgment dated 05.01.2021 passed in CA.No.59 of 2019 on the file of the learned VI Additional Sessions Judge, Madurai confirming the Judgment dated 22.03.2019 passed in STC.No.24 of 2016 on the file of Learned Judicial Magistrate No.II, FTC Magisterial Level, Madurai and set aside the same.

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.S.PON SENTHIL KUMARAN, Advocate for the petitioner and of Mr.K.NAVANEETHA RAJA for Mr.NIRANJAN S.KUMAR, Advocate for the Respondent, the Court made the following order:-

This Criminal Revision has been filed against the Judgment of the learned VI Additional District Judge, Madurai, passed in C.A. No. 59 of 2019 confirming the Judgment of the learned Judicial

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



Magistrate No.II, Madurai (FTC Magisterial Level), Madurai, STC No.24 of 2016, dated 22.03.2019.

2. Upon considering the evidence produced before the learned Judicial Magistrate, the learned Judicial Magistrate found that the petitioner has committed an offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of 6-months and directed the petitioner to pay Rs.81,50,000/-, the cheque amount, as compensation.

3. Against the said Judgment, dated 22.03.2019, the petitioner has preferred an appeal in C.A. No.59 of 2019 and in appeal, the Judgment of the learned Judicial Magistrate No.II, Madurai (FTC Magisterial Level), Madurai was confirmed. The appeal was dismissed on 05.01.2021. Therefore, this petition.

4. The learned counsel appearing for the petitioner also filed a petition to suspend the sentence alleging that the Judgments of both trial Court and the appellate Court have not considered certain vital aspects. He has raised those aspects the grounds of the revision petition. The petitioner has also been arrested and remanded into judicial custody from 06.05.2021. He further submitted that he is prepared to deposit a sum of Rs.25 Lakhs to show his bonafide and that he had already deposited a sum of Rs.10 Lakhs in a criminal case filed for the same transaction under Section 420 of IPC, in Crime No.194 of 2016 on the file of learned Judicial Magistrate, Rajapalayam, on 24.03.2016.

5. Mr.K. Navaneetha raja, representing on behalf of Mr.Niranjan S.Kumar, learned counsel appearing for the respondent submitted that he has filed vakalat on 04.06.2021. He opposed to suspend the sentence on the ground that the money transaction was admitted by the petitioner and only then, both the Courts below have convicted and sentenced the petitioner.

6. However, taking note of the fact and the submission of the learned counsel for the petitioner that he has some arguable points supporting his case and that there is no possibility of having this case now, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions Accordingly, till the disposal of the Criminal Revision case, the substantive sentence of imprisonment alone is suspended and the Petitioner/ accused is ordered to be enlarged on bail, on the following conditions:-

(i).the petitioner should deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) to the credit of criminal Court deposit on the file of the learned Judicial Magistrate No.II, Madurai (FTC Magisterial Level), Madurai, within a period of two weeks and on such deposit,



(ii). the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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 Court No.II, Madurai (Magisterial Level) and on such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically on further condition that:

(iii) 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 Aadhar Card or Bank Pass Book to ensure their identity.

(iv) 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 case and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
11/06/2021

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
(FTC MAGISTERIAL LEVEL) MADURAI.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE VI ADDITIONAL SESSIONS JUDGE,
MADURAI.
4. -DO-THRO' THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, MADURAI.



5.THE SUPERINTEDENT.
CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.S.PON SENTHIL KUMARAN, Advocate SR.No. 3937

WEB COPY

ORDER
IN
CRL MP (MD) No.3720 of 2021
in
CRL RC (MD) No.367 of 2021
Date :11/06/2021

ksa
AE/AKM/SAR-III/11.06.2021/4P/7C