



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

Tuesday, the Thirty First day of August Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.5554 of 2021
IN CRL RC(MD) No.511 of 2021

SOLAI RAMDOSS

... PETITIONER/ PETITIONER

Vs

S.MARY

... 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 and enlarge the petitioner on bail in pursuant to the order in Crl.A.No.8 of 2020 on the file of the IVth Additional District Court, Madurai filed against the judgment passed in S.T.C.No.831 of 2016 dated 29/11/2019 on the file of the Judicial Magistrate No.II, Madurai pending disposal of the above Criminal Revision Case.

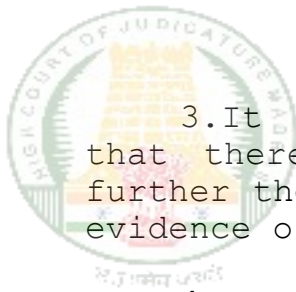
Prayer in CRL RC(MD) No.511 of 2021:

To call for the records of the the IVth Additional District Court, Madurai in Crl.A.No.8 of 2020 dated 24.02.2021 confirmed the judgment passed by the Judicial Magistrate No.II, Madurai in S.T.C.No.831 of 2016 dated 29/11/2019 and set aside the same by allowing this 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.R.RAMASAMY, Advocate for the petitioner and of Mr.SIVA KUMAR, 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 six months and to pay a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the respondent as compensation within a period of three months, in default to undergo simple imprisonment for a period of two months in S.T.C.No.831 of 2016, on the file of the learned Judicial Magistrate No.II, Fast Track Mahila Court (Magistrate Level), Madurai.

2.The learned IV Additional District and Sessions Judge, Madurai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.8 of 2020, dated 24.02.2021.



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.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.

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.II, Madurai;

(ii) Since the cheque amount is Rs.5,00,000/- (Rupees Five lakhs only) the petitioner is directed to deposit 20% of the same i.e a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of S.T.C.No.831 of 2016, on the file of the learned Judicial Magistrate No.II, Fast Track Mahila Court (Magistrate Level), Madurai within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this Court;

(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.

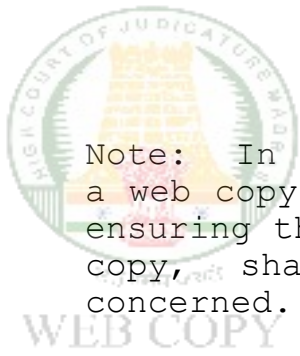
sd/-

31/08/2021

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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 IVTH ADDITIONAL DISTRICT JUDGE,
MADURAI
- 2 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 3 THE JUDICIAL MAGISTRATE NO.II,
FAST TRACK MAHILA COURT (MAGISTRATE LEVEL),
MADURAI
- 4 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 5 THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.

ORDER
IN
CRL MP(MD) No.5554 of 2021
IN
CRL RC(MD) No.511 of 2021
Date :31/08/2021

VSD
MS/VR/SAR-4/01.09.2021/3P.6C