



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

Wednesday, the Eighteenth day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL.M.P. (MD)No.5394 of 2021
in
CRL.R.C. (MD)No.503 of 2021

P.MURUGESAN

... PETITIONER/ PETITIONER

Vs

K.KUTTYRAJA

... 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 passed by the IV Additional District Judge, Tirunelveli in Crl.A.No.13 of 2018 dated 01.07.2021 Confirming the judgment of conviction and sentence passed by the Learned District Munsif, Tenkasi in STC.No.75 of 2016 dated 04.01.2018 and enlarge the Petitioner on bail pending disposal of the above appeal.

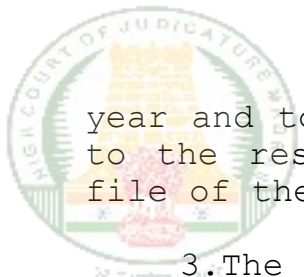
Prayer in CRL.R.C. (MD)No.503 of 2021:

To call for the records pertaining to the impugned judgment of conviction and sentenced passed by the IV Additional District Judge, Tirunelveli in Crl.A.No.13 of 2018 dated 01.07.2021 Confirming the judgment of conviction and sentenced passed by the Learned District Munsif, Tenkasi in STC.No.75 of 2016 dated 04.01.2018 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.G.KARUPPASAMY PANDIYAN, Advocate for the petitioner and of MR.N.SHANKAR GANESH, Advocate on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence of conviction passed in Criminal Appeal No.13 of 2018 by the learned IV Additional District Judge, Tirunelveli, dated 01.07.2021 by confirming the Judgment of conviction in S.T.C.No.75 of 2016 passed by the learned Additional District Munsif, Tenkasi, dated 04.01.2018.

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 one



year and to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the respondent as compensation in S.T.C.No.75 of 2016, on the file of the learned Additional District Munsif, Tenkasi.

3.The learned IV Additional District Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.13 of 2018, dated 01.07.2021.

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 Additional District Munsif, Tenkasi.

(ii) Since the cheque amount is Rs.15,00,000/- (Rupees Fifteen Lakhs only) the petitioner is directed to deposit 20% of the same i.e a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of S.T.C.No.75 of 2016, on the file of the learned Additional District Munsif, Tenkasi, within a period of four weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the

petitioner shall appear before the concerned Court



once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-
18/08/2021

/ TRUE COPY /

WEB 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 MUNSIF,
TENKASI.
- 2 THE IV ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI

ORDER
IN
CRL.M.P. (MD) No.5394 of 2021
in
CRL.R.C. (MD) No.503 of 2021
Date :18/08/2021

TRP
MK/VR/SAR.III/19.08.2021/3P/3C