



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

Wednesday, the Twentieth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7920 of 2020

IN

CRL RC(MD) No.741 of 2020

SELVARAJ

... PETITIONER/ REVISION PETITIONER

Vs

KANNAN

... 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 imposed in judgment dated 17/03/2020 made in Criminal Appeal No.83 of 2020 on the file of the learned Principal Sessions Judge, Sivagangai and enlarge the petitioner on bail pending disposal of the instant Criminal Revision.

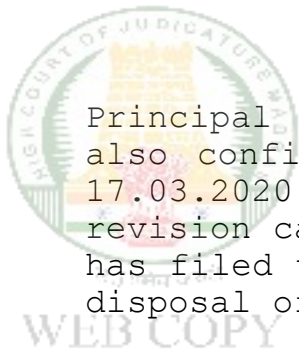
PRAYER IN CRL RC(MD) No.741 of 2020:

To call for the records pertaining to the judgment in Criminal Appeal No.83 of 2019 dated 17.03.2020 on the file of the learned Principal Sessions Judge, Sivagangai confirming the judgment passed in C.C.No.265 of 2018 dated 30.08.2019 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi and set aside the same by allowing the above Criminal Revision.

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.SHAKUL HAMEED, Advocate for the petitioner, While admitting the Criminal Revision, the court made the following order:-

It is seen that the petitioner was convicted by the learned Judicial Magistrate, Fast Track Court, Karaikudi in C.C.No.265 of 2018 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.2,25,000/- (Rupees Two Lakhs and Twenty Five Thousand only), in default to undergo three months simple imprisonment within a period of two months, by its judgment dated 30.08.2019.

2.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.83 of 2019 before the learned



Principal Sessions Judge, Sivagangai. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 17.03.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.741 of 2020. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

3.The learned counsel for the petitioner would submit that the petitioner has already deposited a sum of Rs.44,000/- (Rupees Forty Four Thousand only) at the time of seeking suspension of sentence before the trial Court.

4.The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and considering the fact that the Criminal Revision Case is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

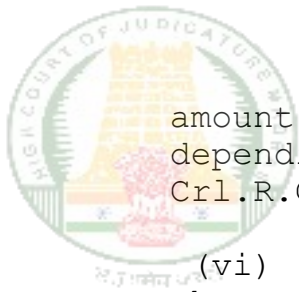
(i) the petitioner shall deposit 25% of compensation amount less the amount already deposited, to the credit of C.C.No.265 of 2018, before the learned Judicial Magistrate, Fast Track Court, Karaikudi, on or before 15.02.2021.

(ii) On deposit of the aforesaid amount, the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Karaikudi.

(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 valid identity card 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 or until further orders.

(v) On such deposit, the learned Judicial Magistrate, Fast Track Court, Karaikudi, shall re-deposit the aforesaid amount in any Nationalised Bank, so that, the



amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.(MD)No.741 of 2020.

(vi) If the aforesaid condition is not complied within the prescribed time limit, the order of suspension of sentence stands automatically cancelled.

sd/-
20/01/2021

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, KARAIKUDI.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

4 THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.

+1 CC to M/s.M.SHAKUL HAMEED, Advocate (SR-366[I] dated 21/01/2021)

ORDER
IN
CRL MP (MD) No.7920 of 2020
IN
CRL RC (MD) No.741 of 2020
Date :20/01/2021

MRN

MS/VR/SAR-3/21.01.2021/3P.6C