



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

Thursday, the Eighteenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7748 of 2020
IN
CRL RC(MD) No.724 of 2020

L.JEYANTHI

... PETITIONER/ PETITIONER

Vs

M.THATCHAYENI

... 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 six months simple imprisonment and the compensation of the Cheque amount of Rs.1,95,000/- payable to the Respondent / Respondent within the limitation of two months as per section 357 of Criminal Procedure Code were imposed by learned Judicial Magistrate No.II, (Fast Track Court), Madurai in STC No.434 of 2016 dated 26.03.2018 by convicting the petitioner for offences under section 138 of Negotiable Instrument Act which was confirmed by judgment of Vth Additional District and Sessions Court, Madurai in Appeal No.44 of 2018 dated 20.08.2020.

PRAYER IN CRL RC(MD) No.724 of 2020:

To allow this Revision and aside the judgment of V Additional District and Sessions Court, Madurai in Crl.Appeal No.44 of 2018 dated 20.08.2020 confirming the judgment of conviction and sentence order by the learned Judicial Magistrate No.II, (Fast Track Court), Madurai in STC No.434 of 2016 dated 26.03.2018 convicted the Appellant/ Accused for offences under section 138 of Negotiable Instrument Act and imposed the sentence of six months simple imprisonment and directed Appellant herein to pay the cheque amount i.e a sum of Rs.1,95,00/- as compensation to Respondent/ Complainant within the limitation of two months as per section 357 Criminal Procedure Code.

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.A.JEYARAM, Advocate for the petitioner and of Mr.S.POORNACHANDRAN, Advocate on behalf of the Respondent, the court made the following order:-



It is seen that the petitioner was convicted by the learned Judicial Magistrate No.II, (Fast Track Court), Madurai, in S.T.C.No.434 of 2016 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.1,95,000/- (Rupees One Lakh Ninety Five Thousand only), by its judgment dated 26.03.2018.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.44 of 2018 before the learned Vth Additional District and Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 20.08.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.724 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 fairly conceded that the petitioner is ready and willing to deposit 25% of the cheque amount to the credit of S.T.C.No.434 of 2016, before the learned Judicial Magistrate No.II, Fast Track Court, Madurai, without prejudice to his case.

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 of sum of Rs.48,750/- (Rupees Forty Eight Thousand Seven Hundred and Fifty only) to the credit of S.T.C.No.434 of 2016, before the learned Judicial Magistrate No.II, Fast Track Court, Madurai, on or before 19.03.2021.

(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 No.II, Fast Track Court, Madurai.



(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 No.II, Fast Track Court, Madurai, shall re-deposit the sum of Rs.48,750/- (Rupees Forty Eight Thousand Seven Hundred and Fifty only) 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.724 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/-
18/02/2021

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

TO

- 1 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II,
(FAST TRACK COURT), MADURAI.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

ORDER
IN
CRL MP(MD) No.7748 of 2020
IN
CRL RC(MD) No.724 of 2020
Date :18/02/2021
3/3

MRN

<https://hdcv.cse.judges.gov.in/hcservices> MS/VP/9A/Div.1/19/02.2021/3P.4C