



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

Monday, the Twenty Sixth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.6716 of 2020

IN

CRL RC(MD) No.670 of 2020

BOOMINATHAN

... PETITIONER/APPELLANT/ACCUSED

Vs

PREMA

... RESPONDENT/RESPONDENT/COMPLAINANT

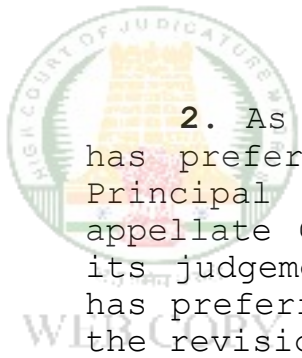
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed in C.A No. 20/2019 on the file of the Learned Principal District and Sessions Court Ramanathapuram district dated 11.06.2020 in confirming the Judgment made in C.C No. 967/2017 on the file of the Learned Judicial Magistrate No.I, Ramanathapuram dated 11.10.2019 on the Petitioner/Appellant/Accused and enlarge the Petitioner/Appellant/Accused on bail until the disposal of the Criminal Revision.

Prayer in CRL RC(MD) No.670 of 2020:

To call for the entire records pertaining to the case in C.A.No.20 of 2019 on the file of the Principal District and Sessions Court, Ramanathapuram District and in STC.No.967 of 2017 on the file of the learned Judicial Magistrate Court No.I, Ramanathapuram and set aside the conviction and sentence passed in C.A.No.20 of 2019 on the file of the Principal District and Sessions Court, Ramanathapuram District dated 11.06.2020 in confirming the judgment made in STC.No.967 of 2017 on the file of the learned Judicial Magistrate Court No.I, Ramanathapuram dated 11.10.2019 and to allow this 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.R.KARUNANIDHI, Advocate for the petitioner and of MR.R.GANDHI, Advocate on behalf of the Respondent, while admitting the CRL.RC., the court made the following order:-

It is seen that the petitioner was convicted by the learned Judicial Magistrate No.I, Ramanathapuram in S.T.C.No.967 of 2017 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and to pay a compensation of Rs.8,00,000/-(Rupees Eight Lakhs only), by its judgment dated 11.10.2019.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.20 of 2019 before the learned Principal District Sessions Judge, Ramanathapuram. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 11.06.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.670 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 argued in detail.

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.2,00,000/- (Rupees Two Lakhs only) to the credit of S.T.C.No.967 of 2017, before the learned Judicial Magistrate No.I, Ramanathapuram, on or before 03.06.2021.

(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.I, Ramanathapuram.

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judicial Magistrate No.I, Ramanathapuram 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.I, Ramanathapuram, shall re-deposit the sum of Rs.2,00,000/- (Rupees Two Lakhs 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.670 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/-
26/04/2021

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/ /2021

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

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM DISTRICT.

2 THE JUDICIAL MAGISTRATE COURT NO.I,
RAMANATHAPURAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

+1. C.C. to M/S.R.KARUNANIDHI, Advocate SR.No.3408

+1 CC to M/s.R.GANDHI, Advocate (SR-3393[I] dated 26/04/2021)

ORDER
IN
CRL MP(MD) No.6716 of 2020
IN
CRL RC(MD) No.670 of 2020
Date :26/04/2021

MRN

JM/VR/SAR III/29.04.2021/3P/6C