



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

Wednesday, the Tenth day of November Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

WEB COPY

Crl.M.P.(MD)Nos.7502 and 7504 of 2021
in
Crl.R.C.(MD) No.670 of 2021

SUDALAIYANDI

... PETITIONER/ APPELLANT / ACCUSED
IN BOTH THE PETITIONS

Vs

SRI SUNDAR

... RESPONDENT/ RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

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 on Petitioner vide judgment dated 13.7.2020 made in Crl.A.No.71 of 2018 on the file of the Additional District and Sessions Judge, Tenkasi confirming the judgment made in STC.No.1110 of 2013 dated 19.6.2018 by learned Judicial Magistrate, Tenkasi and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

Prayer in CRL MP(MD). 7504/ 2021 :

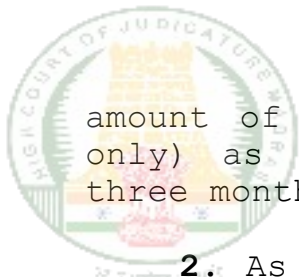
To grant an Exemption from Surrender to the Petitioner before the Trial Court pursuant to the conviction passed by the Learned Judicial Magistrate court, Tenkasi in STC.No.1110/2013 dated 19.6.2018 confirmed in Crl.A.No.71/2018 dated 13.7.2020 by the Additional District and Sessions Judge (Fast Track Court), Tenkasi.

Prayer in CRL RC(MD). 670/ 2021 :

To call for the records relating to the judgment made in CA.No.71 of 2018 dated 13.7.2020 of the Additional District and Sessions Judge, Tenkasi confirming the Judgment made in STC.No.1110 of 2013 dated 19.6.2018 by the Learned Judicial Magistrate, Tenkasi 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.V.ANGUSAMY, Advocate for the petitioner in both the petitions and of MR.D.SRINIVASA RAGHAVAN, Advocate on behalf of the Respondent in both the petitions, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate, Tenkasi, in S.T.C.No.1110 of 2013 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to



amount of Rs.2,95,000/- (Rupees Two Lakhs Ninety Five Thousand only) as compensation, in default, to undergo further period of three months simple imprisonment, by judgment, dated 19.06.2018.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.71 of 2018 before the Additional District and Sessions Judge, Tenkasi. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 13.07.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.670 of 2021. Along with the revision, he has filed the present applications (i) for suspension of sentence pending disposal of the said revision (ii) for exempting the petitioner to surrender before the trial Court.

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.1110 of 2013, before the Judicial Magistrate, Tenkasi, 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, Crl.M.P.(MD)No.7502 of 2021 is allowed and 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 is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate, Tenkasi, within a period of two weeks from the date of receipt of copy of this order;

(ii) the petitioner shall deposit of sum of Rs.73,750/- (Rupees Seventy Three Thousand Seven Hundred and Fifty only) to the credit of in S.T.C.No.1110 of 2013, before the Judicial Magistrate, Tenkasi, within a period of three weeks from the date of receipt of copy of this order;

(iii) 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 Judicial Magistrate, Tenkasi.

(iv) 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.

(v) 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.

(vi) On such deposit, the before the Judicial Magistrate, Tenkasii, shall re-deposit the sum of Rs.73,750/- (Rupees Seventy Three Thousand Seven Hundred and Fifty only) in a 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 2021.

6. Accordingly, Crl.M.P.(MD)No.7504 of 2021 is dismissed.

sd/-

10/11/2021

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TENKASI.

2 THE JUDICIAL MAGISTRATE,
TENKASI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

+1. C.C. to MR.V.ANGUSAMY, Advocate SR.No.7963.

ORDER IN

Crl.M.P.(MD)Nos.7502 and 7504 of 2021
in

Crl.R.C.(MD) No.670 of 2021

Date :10/11/2021

LS

MK/VR/SAR.III/12.11.2021/3P/5C

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