



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

Tuesday, the Sixteenth day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.9694 of 2021
in
Crl.R.C.(MD) No.826 of 2021

ANTHONIRAJ

... PETITIONER/ PETITIONER

Vs

V.KANDASAMY

... 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 conviction and sentence imposed upon the Petitioner vide judgment dated.16.4.2021 made in Crl.A.No.31 of 2020, on the file of the Sessions Judge, Karur whereby confirmed the judgment of conviction dated.18.9.2020 made in STC.No.336 of 2018, on the file of the learned Judicial Magistrate No.II, Kulithalai pending disposal of the Criminal Revision Case in the interest of justice.

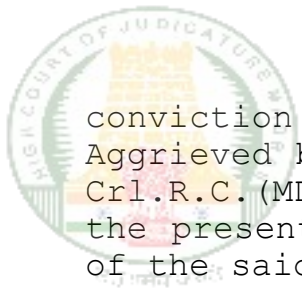
Prayer in Crl.R.C.(MD) No.826 of 2021:

To call for the records and set aside the judgment dated 16.04.2021 made in Criminal Appeal No.31 of 2020, on the file of the Sessions Judge, Karur whereby confirmed the judgment of conviction dated 18.09.2020 made in S.T.C.No.336 of 2018, on the file of the learned Judicial Magistrate No.II, Kulithalai.

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.B.THANGA ARAVINDH, Advocate for the petitioner, While admitting the Criminal Revision Case, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate No.II, Kulithalai, in S.T.C.No.336 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.7,00,000/-, by its judgment, dated 18.09.2020.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.31 of 2020, before the Sessions Judge, Karur. The first appellate Court has also confirmed the



conviction and sentence, by its judgement dated 16.04.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.826 of 2021. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

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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.336 of 2018, before the Judicial Magistrate No.II, Kulithalai, 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:

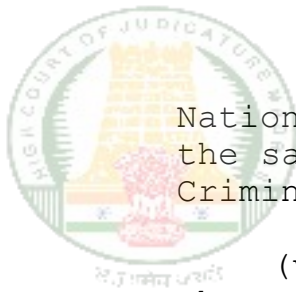
(i) the petitioner shall deposit of sum of Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand only) to the credit of S.T.C.No.336 of 2018, before the Judicial Magistrate No.II, Kulithalai, on or before 06.12.2021.

(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 Judicial Magistrate No.II, Kulithalai.

(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 Judicial Magistrate No.II, Kulithalai, shall re-deposit the sum of Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand 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.826 of 2021.

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

sd/-
16/11/2021

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

TO

1 THE SESSIONS JUDGE, KARUR.

2 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.

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

+1CC Mr.B.THANGA ARAVINDH, Advocate, SR NO.8218

ORDER
IN
CRL MP(MD) No.9694 of 2021
IN Crl.R.C.(MD) No.826 of 2021
Date :16/11/2021

LS
MS/VR/SAR-1/16.11.2021/3P.5C