



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

Monday, the Fourth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD)Nos.7926 and 7928 of 2020
in
Crl.R.C. (MD) No.742 of 2020

D.CHANDRASEKAR

... PETITIONER/ PETITIONER
in both the petitions

Vs

R.TAMILARASAN

... RESPONDENT/ RESPONDENT
in both the petitions

PRYAER IN Crl.M.P(MD)No.7926 of 2020 in Crl.R.C. (MD)No.742 of 2020:

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 imprisonment imposed in Crl.A.No.118 of 2019 on the file of the learned District Judge, Karur, dated 03.07.2020 by which confirming the judgment and conviction order in S.T.C.No.308 of 2019 on the file of the learned Judicial Magistrate/ Fast Track Court, Karur, by its judgment dated 08.11.2019, pending disposal of the above Criminal Revision Petition.

PRYAER IN Crl.M.P(MD)No.7928 of 2020 in Crl.R.C. (MD)No.742 of 2020:

To Exempt the petitioner from surrender in pursuant to judgment and conviction dated 03.07.2020 made in Crl.A.No.118 of 2019 on the file of the learned District Judge, Karur, by which confirming the judgment and conviction order in S.T.C.No.308 of 2019 on the file of the learned Judicial Magistrate/ Fast Track Court, Karur, by its judgment dated 08.11.2019.

PRAYER in Crl.R.C. (MD)No.742 of 2020:

To set aside the judgment and conviction dated 03.07.2020 made in Crl.A.No.118 of 2019 on the file of the learned District Judge, Karur, by which confirming the judgment and conviction order in S.T.C.No.308 of 2019 on the file of the learned Judicial Magistrate/ Fast Track Court, Karur, by its judgment dated 08.11.2019 and acquit the petitioner/ accused.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.S.DEENADHAYALAN, Advocate for the petitioner in both



the petitions, While admitting the CRL.RC., the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate / Fast Track Court, Karur, in S.T.C.No.308 of 2019 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo four months simple imprisonment and to pay the cheque amount of Rs.1,00,000/- (Rupees One Lakh only) as compensation, in default, to undergo further period of one month simple imprisonment, by judgment, dated 08.11.2019.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.118 of 2019 before the District Judge, Karur. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 03.07.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C. (MD)No.742 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.308 of 2019, before the Judicial Magistrate / Fast Track Court, Magistrate Level, Karur, 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.7926 of 2020 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 / Fast Track Court, Magistrate Level, Karur, 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of S.T.C.No.308 of 2019, before the Judicial Magistrate / Fast



Track Court, Magistrate Level, Karur, within a period of one month 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 / Fast Track Court, Magistrate Level, Karur.

(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 Judicial Magistrate / Fast Track Court, Magistrate Level, Karur, shall re-deposit the sum of Rs.25,000/- (Rupees Twenty Five Thousand 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.742 of 2020.

6. Accordingly, Crl.M.P.(MD)No.7928 of 2020 is dismissed.

sd/-

04/01/2021

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

TO

- 1 THE DISTRICT JUDGE, KARUR.
- 2 THE JUDICIAL MAGISTRATE/
FAST TRACK COURT, MAGISTRATE LEVEL, KARUR.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

ORDER IN

Crl.M.P.(MD)Nos.7926 and 7928 of 2020
IN CRL RC(MD) No.742 of 2020

Date :04/01/2021

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