



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

Friday, the Twenty Ninth day of October Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL.M.P.(MD)No.9020 of 2021
in
CRL.R.C.(MD)No.767 of 2021

JEYARAJ ... PETITIONER/ PETITIONER / APPELLANT / ACCUSED

Vs

C. MURUGAN ... RESPONDENT/ 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 by the judgment dated 25/01/2021 made in C.A.No.149 of 2019 on the file of IV Additional District Court, Madurai confirming the judgment dated 24/10/2019 made in S.T.C.No.700 of 2016 on the file of Judicial Magistrate Court No.2 (Fast Track), Madurai Pending disposal of the above Crl.R.C.

Prayer in CRL RC(MD). 767/ 2021 :

To call for the records against the judgment dt.25/01/2021 made in C.A.No.149 of 2019 on the file of IV Additional District Court, Madurai confirming the judgment dated 24/10/2019 made in S.T.C.No.700 of 2016 on the file of Judicial Magistrate Court No.2 (Fast Track), Madurai and set aside the same as illegal and allow the above Criminal Revision Case.

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.J.SULTHAN BASHA, Advocate for the petitioner and of Mr.S.SUKUMAR, Advocate on behalf of the Respondent, While admitting the Crl.R.C., the court made the following order:-

This petition is filed to suspend the sentence passed in S.T.C.No.700 of 2016, dated 24.10.2019 on the file of the learned Judicial Magistrate No.II (Fast Track), Madurai and the same was confirmed in C.A.No.149 of 2019, dated 25.01.2021 on the file of the learned IV Additional District Court, Madurai, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months and also directed the petitioner to pay the cheque amount of Rs.25000/- compensation to the respondent, in default, to pay



the compensation, to undergo simple imprisonment for a period of two months.

3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.149 of 2019 before the IV Additional District Court, Madurai. The learned IV Additional District Judge, Madurai confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Today, when the Criminal Revision Case is came up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner is ready to deposit the entire cheque amount of Rs.1,25,000/- while at the time of executing the bond. He further submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. Mr. S. Sukumar, learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence he strongly opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit a sum of Rs.1,25,000/- (Rupees One Lakh Twenty five Thousand only) to the credit of S.T.C.No.700 of 2016, on the file of the learned Judicial Magistrate No.II (Fast Track), Madurai.

(ii) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial

<https://hcservices.ecourts.gov.in/Magister> Magistrate No.II (Fast Track), Madurai.

