



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

Monday, the Fifteenth day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD) Nos.9645 and 9647 of 2021
in
Crl.R.C. (MD) No.822 of 2021

P.RAJASEKARAN

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

M/S.VARUNA BIO PRODUCTS COMPANY,
REPRESENTED BY ITS PROPRIETOR
MR.RAVI,

... RESPONDENT/ RESPONDENT
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 of Imprisonment imposed by learned Principal District Court, Virudhunagar District at Srivilliputhur in Crl.A.No.25/2019 by the Judgment dated 18.8.2021 by confirming the conviction and sentence imposed by the learned Judicial Magistrate court, Rajapalayam in C.C.No.291 of 2015 by the Judgment dated 31.01.2019, and enlarge the petitioner on bail pending disposal of this Criminal Revision.

Prayer in CRL MP(MD). 9647/ 2021 :

To exempt the petitioner from surrender in pursuant to the judgment dt.18.8.2021 by the learned Principal District Court, Virudhunagar District at Srivilliputhur in Crl.A.No.25 of 2019 by the Learned Judicial Magistrate Court, Rajapalayam in CC.No.291 of 2015 by the Judgment dated 31.01.2019.

Prayer in CRL RC(MD). 822/ 2021 :

To call for records and set aside the conviction imposed by the learned Principal District Court, Virudhunagar District at Srivilliputhur in Crl.A.No.25 of 2019 by the Judgment dated 18.8.2021 by confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Rajapalayam in CC.No.291 of 2015 by the Judgment dated 31.01.2019.

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.R.PON KARTHIKEYAN, Advocate for the petitioner in

<https://hccs.cchc.gov.in/cservices>, the court made the following order:-



It is seen that the petitioner was convicted by the Judicial Magistrate, Rajapalayam, in C.C.No.291 of 2015 for the offences under Sections 138 and 142 of Negotiable Instruments Act and was sentenced to undergo one year imprisonment, by judgment, dated 31.01.2019.

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2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.25 of 2019 before the Principal District Court, Virudhunagar District at Srivilliputhur. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 18.08.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.822 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 C.C.No.291 of 2015, before the Judicial Magistrate, Rajapalayam, 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.9645 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 shall deposit of sum of Rs.1,28,122/- to the credit of C.C.No.291 of 2015, before the learned Judicial Magistrate, Rajapalayam, within a period of one month from today (15.11.2021);

(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, Rajapalayam.



(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.

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(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, Rajapalayam, shall re-deposit the sum of Rs.1,28,122/- 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.822 of 2021.

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

(vii) the petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate, Rajapalayam, within a period of two weeks from the date of receipt of copy of this order;

6. Accordingly, Crl.M.P.(MD)No.9647 of 2021 is dismissed.

sd/-
15/11/2021

/ TRUE COPY /

/ /2021

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

TO

1 THE PRINCIPAL DISTRICT JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



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Crl.R.C.(MD) No.822 of 2021

+1 CC to Mr.R.PON KARTHIKEYAN, Advocate (SR-8083[I]dated 16/11/2021)

ORDER IN

Crl.M.P. (MD) Nos.9645 and 9647 of 2021
in

Crl.R.C. (MD) No.822 of 2021

Date :15/11/2021

csm/mga

MK/PN/SAR.II/17.11.2021/3P/5C