



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

Friday, the Twenty Sixth day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD) Nos.10251 and 10252 of 2021
in
Crl.R.C. (MD) No.870 of 2021

G.CHANDRAN ... PETITIONER/ REVISION PETITIONER/APPELLANT/ACCUSED
IN BOTH THE PETITIONS

Vs

V.LAKSHMANAN...RESPONDENT/REVISION 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 execution of sentence passed in Crl.A.No.22 of 2020 dated 23.4.2021 on the file of the Learned Sessions Judge, Karur confirming the Judgment of the Learned Judicial Magistrate-II, Kulithalai in STC.No.370 of 2017 dated 17.2.2020 pending disposal of the above Criminal Revision Petition.

Prayer in CRL MP(MD). 10252/ 2021 :

To exempt the Petitioner to surrender before the Appellate Court to take the Judgment of the Appellate court in Crl.A.No.22 of 2020 dt.23.4.2021 on the file of the Learned Sessions Court, Karur wherein he has confirmed the Judgment of the Learned Judicial Magistrate-II, Kulithalai in STC.No.370 of 2017 dated 17.2.2020 pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 870/ 2021 :

To admit this Revision on file, to call for the records pertaining to the judgment dated 23.4.2021 passed in Crl.A.No.22/2020 on the file the Learned Sessions Judge, Karur, Karur District., confirming the Judgment in STC.No.370 of 2017 dated 17.2.2020 on the file of the Learned Judicial Magistrate-II, kulithalai under section 138 of Negotiable Instruments Act, 1881, wherein the Learned Trial Court convicted the petitioner and sentenced him to undergo simple imprisonment of 6 months and awarded compensation of a sum of Rs.4,00,000/- to the complainant under section 357(3) of Cr.P.C and in default to undergo simple imprisonment of 2 months for the offences under section 138 of Negotiable Instruments Act, 1881 and set aside the Judgments of the Learned Courts below and acquit the petitioner by allowing this Criminal Revision Petition.



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.R.SHANKAR GANESH, Advocate for the petitioner, While admitting the Crl.RC., the court made the following order:-

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It is seen that the petitioner was convicted by the Judicial Magistrate No.II, Kulithalai, in S.T.C.No.370 of 2017 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay the cheque amount of Rs.4,00,000/- (Rupees Four Lakhs only) as compensation, in default, to undergo further period of two months simple imprisonment, by judgment, dated 17.02.2020.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.22 of 2020 before the Sessions Judge, Karur. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 23.04.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.870 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.370 of 2017, 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, Crl.M.P.(MD)No.10251 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 No.II, Kulithalai, within a period of two weeks from the date of receipt of copy of this order;



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(ii) the petitioner shall deposit of sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of in S.T.C.No.370 of 2017, before the Judicial Magistrate No.II, Kulithalai, within a period of four 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 No.II, Kulithalai.

(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 No.II, Kulithalai, shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakh 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.870 of 2021.

6. Accordingly, Crl.M.P.(MD)No.10252 of 2021 is dismissed.

sd/-

26/11/2021

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

TO

1 THE SESSIONS JUDGE, KARUR.KARUR DISTRICT.

2 THE JUDICIAL MAGISTRATE-II, KULITHALAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

+1. C.C. to Mr.R.SHANKAR GANESH, Advocate SR.No.8615.

ORDER IN

Crl.M.P.(MD)Nos.10251 and 10252 of 2021
in

Crl.R.C.(MD) No.870 of 2021

Date :26/11/2021

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MK/VR/SAR.III/30.11.2021/3P/5C

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