



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

Tuesday, the Thirtieth day of November Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

WEB COPY

Crl.M.P.(MD)Nos.10443 and 10445 of 2021
in
Crl.R.C.(MD) No.881 of 2021

A.SARAVANAN @ GANDHI

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

G.NATESAN

... 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 and compensation. imposed by the II Additional District and Sessions Judge, Thanjavur in C.A.No. 3 of 2020 dated. 20.11.2020 by confirming the conviction and sentence imposed by the Judicial Magistrate (FTC), Thanjavur in S.T.C.No.115 of 2017 by the Judgment dated 05.12.2019, and enlarged the petitioner on bail pending disposal of the Criminal Revision.

Prayer in CRL MP(MD). 10445/ 2021 :

To exempt the petitioner herein from surrender in pursuant to the judgement dated 20.11.2020 by the II Additional District and Sessions Judge, Thanjavur in C.A.No. 3 of 2020 dated. 20.11.2020 by confirming the conviction and sentence of imprisonment imposed by the Judicial Magistrate (Fast Track Court), Thanjavur in S.T.C.No.115 of 2017 by the Judgment dated 05.12.2019.

Prayer in CRL RC(MD). 881/ 2021 :

To call for the records and set aside the conviction imposed by the II Additional District and Sessions Judge, Thanjavur in C.A.No. 3 of 2020 dated 20.11.2020 by confirming the conviction and sentence imposed by the Judicial Magistrate (FTC), Thanjavur in S.T.C.No.115 of 2017 by the Judgment dated 05.12.2019.

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.M.SARAVANAN, Advocate for the petitioner in both the petitions, While admitting the Crl.R.C., the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate, (Fast Track Court), Thanjavur, in S.T.C.No.115 of 2017 for the offence under Section 138 of Negotiable Instruments Act

<https://hcservices.mca.gov.in/hcservices/>



a compensation of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only), in default, to undergo a further period of two months simple imprisonment, by the judgment, dated 05.12.2019.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.3 of 2020 before the learned II Additional District and Sessions Judge, Thanjavur. The first appellate Court has also confirmed the conviction and sentence, by its judgment, dated 20.11.2020. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.881 of 2021. 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.115 of 2017, before the Judicial Magistrate (Fast Track Court), Thanjavur, 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.10443 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, Fast Track Court, Thanjavur, within a period of four weeks from the date of receipt of copy of this order;

(ii) the petitioner shall deposit of sum of Rs.1,12,500/- (Rupees One Lakh Twelve Thousand and Five Hundred only) to the credit of S.T.C.No.115 of 2017, before the Judicial Magistrate, Fast Track Court, Thanjavur, 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, Fast Track Court, Thanjavur.

(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, Fast Track Court at Magistrate Level, Thanjavur, shall re-deposit the sum of Rs.1,12,500/- (Rupees One Lakh Twelve Thousand and Five Hundred 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.881 of 2021.

6. Accordingly, Crl.M.P.(MD) No.10445 of 2021 is dismissed.

sd/-
30/11/2021

/ TRUE COPY /

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

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.
 - 2 THE JUDICIAL MAGISTRATE
(FAST TRACK COURT), THANJAVUR.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to Mr.M.SARAVANAN, Advocate (SR-8687[I] dated 01/12/2021)

ORDER IN
Crl.M.P.(MD) Nos.10443 and 10445 of 2021
in
Crl.R.C.(MD) No.881 of 2021
Date :30/11/2021

ls
MK/VR/SAR.II/02.12.2021/3P/6C