



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

Monday, the Thirteenth day of December Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.11036 & 11039 of 2021

in

CRL RC(MD) No.924 of 2021

VIJAYARUN

... PETITIONER/PETITIONER
(In both petition's)

Vs

S.RENGARAJAN

... RESPONDENT/RESPONDENT
(In both petition's)

PRAYER IN CRL MP(MD) NO.11036 OF 2021:

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 the learned 3rd Additional District Judge, Thanjavur @ Pattukkottai in Crl.A.No.137/2019, by the judgement dt.25/10/2021 by which confirming the judgement and conviction order passed by the learned Judicial Magistrate/Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District, in S.T.C.No.66 of 2019, by the judgment dated 30.09.2019, pending disposal of the above Criminal Revision Petition and thus render justice.

Prayer in CRL MP(MD) . 11039/ 2021 :

To exempt the petitioner from surrender in pursuant to judgement and conviction order passed by the learned 3rd Additional District Judge, Thanjavur, Pattukkottai in Crl.A.No.137/2019, by the judgement dt. 25/10/2021 by which confirming the judgement and conviction order passed by the learned Judicial Magistrate/Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District, in S.T.C.No.66 of 2019, by the judgment dated 30.09.2019 and thus render justice.

Prayer in CRL RC(MD) . 924/ 2021 :

To call for the records and set aside the judgement and conviction dt.25/10/2021 made in Crl.A.No.137/2019 on the file of the learned 3rd Addl. Dist. Judge, Thanjavur, Pattukkottai by which confirming the judgement and conviction order in S.T.C.No.66 of 2019 on the file of the learned Judicial Magistrate/Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District dated 30.09.2019 and acquit the petitioner/accused thus render justice.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.DEENADHAYALAN.S, Advocate for the petitioner, while admitting the Criminal Revision Petition, the court made the



following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate, (Fast Track Court at Magistrate Level), Pattukottai, Thanjavur District, in S.T.C.No.66 of 2019 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.16,00,000/- (Rupees Sixteen Lakhs only), in default, to undergo a further period of one month simple imprisonment, by the judgment, dated 30.09.2019.

2.As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.137 of 2019 before the learned III Additional District Judge, Thanjavur @Pattukottai. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 25.10.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.924 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.66 of 2019, before the Judicial Magistrate, (Fast Track Court at Magistrate Level), Pattukottai, Thanjavur District, 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.11036 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 at Magistrate Level, Pattukottai, Thanjavur District, 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.4,00,000/- (Rupees Four Lakhs only) to the credit of S.T.C.No.66 of 2019, before the Judicial Magistrate, Fast Track Court at Magistrate Level, Pattukottai, Thanjavur District, 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 at Magistrate Level, Pattukottai, Thanjavur District.

(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, Pattukottai, Thanjavur District, shall re-deposit the sum of Rs.4,00,000/- (Rupees Four Lakhs 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.924 of 2021.

6. Accordingly, Crl.M.P. (MD) No.11039 of 2021 is dismissed.

sd/-

13/12/2021

/ TRUE COPY /

/ /2021

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

TO

- 1 THE 3RD ADDITIONAL DISTRICT JUDGE,
THANJAVUR AT PATTUKKOTTAI.
- 2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT AT MAGISTRATE LEVEL,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

+1. C.C. to M/S.DEENADHAYALAN.S Advocate SR.No.9243

ORDER IN
CRL MP(MD) No.11036 & 11039 of 2021
IN CRL RC(MD) No.924 of 2021
Date :13/12/2021

RS/PN/SAR2(15.12.2021) 3P-5C

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