



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

Friday, the Seventeenth day of December Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11391 of 2021
IN
CRL RC(MD)No.945 of 2021

LATHA

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

THAYALAN

... RESPONDENT/RESPONDENT/
RESPONDENT/DEFACTO 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 passed by the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni in Crl.A.No.22 of 2021 dated 05.10.2021 confirming the order passed by the Judicial Magistrate, Fast Track at Theni, in S.T.C.No.41 of 2020 dated 25.01.2021.

PRAYER IN CRL RC(MD)No.945 of 2021:

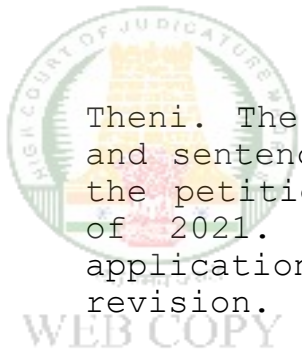
To call for the records and set aside the order passed by the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni in Crl.A.No.22 of 2021 Dated 05.10.2021 confirming the order passed by the Judicial Magistrate Fast Track at Theni, in S.T.C.No.41 of 2020 dated 25.01.2021.

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.S.RAMSUNDARVIJAYRAJ, Advocate for the petitioner, While admitting the CRL.RC, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate, Fast Track Court, Theni, in S.T.C.No.41 of 2020 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo Ten months simple imprisonment and to pay the cheque amount of Rs.5,00,000/- (Rupees Five Lakhs only) with an interest at the rate of 9 % per annum from the date of dishonour as compensation, in default, to undergo further period of three months simple imprisonment, by judgment, dated 25.01.2021.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.22 of 2021 before the Sessions Judge, Mahalir Neethimandam, Fast Track Mahila Court,

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



Theni. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 05.10.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.(MD)No.945 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.41 of 2020, before the Judicial Magistrate, Fast Track Court, Theni, 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, this petition 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.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) to the credit of in S.T.C.No.41 of 2020, before the Judicial Magistrate, Fast Track Court, Theni, within a period of four weeks from the date of receipt of copy of this order;

(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 Judicial Magistrate, Fast Track Court, Theni.

(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.

(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 before the Judicial Magistrate, Fast Track Court, Theni shall deposit the sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand 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.945 of 2021.

sd/-
17/12/2021

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE
MAHALIR NEETHIANDRAM,
FAST TRACK MAHILA COURT, THENI.
- 2 THE JUDICIAL MAGISTRATE
FAST TRACK COURT, THENI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

ORDER

IN

CRL MP(MD) No.11391 of 2021
IN
CRL RC(MD)No.945 of 2021
Date :17/12/2021

SA/PN/SAR.4/17.12.2021/3P/4C