



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

Tuesday, the Twenty First day of December Two Thousand and
Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD) Nos.11597 and 11599 of 2021
in
Crl.R.C.(MD) No.956 of 2021

N.ELLAMMAL

... REVISION PETITIONER/APPELLANT/
ACCUSED
IN BOTH PETITIONS

Vs

C.SETHURAMAN

... RESPONDENT/RESPONDENT/COMPLAINANT
IN BOTH 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 pursuant to the Judgement of conviction render by the CA.No.125 of 2019 dt.9.11.2021 by the II Additional District and Sessions Judge,Tiruchirappalli,by confirming the judgement in STC.No.609 of 2018 dt.12.7.2019 by the Judicial Magistrate, Manapparai pending disposal of the above Criminal Revision Petition.

Prayer in CRL MP(MD) . 11599/ 2021 :

To Exempt the Petitioner from surrendering pursuant to the Judgement of conviction render by the CA.No.125 of 2019 dt.9.11.2021 by the II Additional District and Sessions Judge,Tiruchirappalli,by confirming the Judgement in STC.No.609 of 2018 dt.12.7.2019 by the Judicial Magistrate, Manapparai, pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL RC(MD)No.956/2021:

To admit the revision petition on file, to call for the records in C.A.No.125 of 2019 dated 09.11.2021 by the II Additional District & Sessions Judge, Tiruchirappalli by confirming the judgment in S.T.C.No.609 of 2018 on the file of the Judicial Magistrate, Manapparai and duly set-aside the judgement of the courts below by acquitting the Revision Petitioner.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.R.NARAYANAN, Advocate for the petitioner in both petitions, the court made the following order:-

It is seen that the petitioner was convicted by the learned Judicial Magistrate, Manapparai, in S.T.C.No.609 of 2018 for the

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offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo nine months simple imprisonment and to pay a compensation of Rs.4,00,000/- (Rupees Four Lakhs only) in default to undergo two weeks simple imprisonment, by its judgment dated 12.07.2019.

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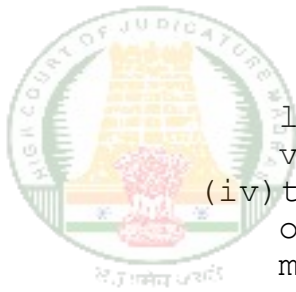
2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.125 of 2019 before the learned II Additional District and Sessions Judge, Tiruchirappalli. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 09.11.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.956 of 2021. Along with the revision, he has filed the present applications (i) for suspension of sentence pending disposal of the said revision and (ii) to exempt the petitioner from surrendering before the Courts below.

3. The learned counsel for the petitioner fairly conceded that the petitioner is ready and willing to deposit 25% of the compensation amount to the credit of S.T.C.No.609 of 2018, before the learned Judicial Magistrate, Manapparai, 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, 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.1,00,000/- (Rupees One lakh only), after deducting any amount if already deposited, to the credit of S.T.C.No.609 of 2018, before the learned Judicial Magistrate, Manapparai, on or before 19.01.2022.
- (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, Manapparai.
- (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 learned Judicial Magistrate, Manapparai, shall re-deposit the sum of Rs.1,00,000/- (Rupees One Lakh only) 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.956 of 2021.

(vi) If the aforesaid condition is not complied, 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, Manapparai, within a period of two weeks from the date of receipt of copy of this order.

Accordingly, Crl.M.P.(MD)No.11599 of 2021 is dismissed.

sd/-

21/12/2021

/ TRUE COPY /

21/12/2021

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

TO

1 THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
TIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE, MANAPPARAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

+2 cc to M/S.N.JULIET LATHA, Advocate, SR.No.9697 (Date:23.12.2021)

ORDER IN

Crl.M.P.(MD) Nos.11597 and
11599 of 2021

in

Crl.R.C.(MD) No.956 of 2021

Date :21/12/2021