



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

Tuesday, the Twenty Second day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL.M.P. (MD)No.3729 of 2022
in
CRL.R.C. (MD)No.283 of 2022

S.MURALI

... PETITIONER / PETITIONER

Vs

P.MUTHUKALAI

... RESPONDENT / RESPONDENT

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 imposed on him by V Additional District And Sessions Court, Madurai made in CA.No.89/2018 dt.9/9/2020 by confirming the Judgment dated 9/3/2018 made in STC No.232/2016 on the file of Judicial Magistrate No.II(FTC Magistrate Level), Madurai and enlarge the petitioner/accused on bail pending disposal of the Criminal Revision Petition.

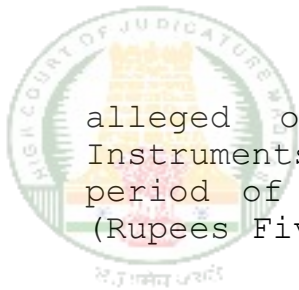
Prayer in CRL RC(MD). 283/ 2022 :

To call for the entire records relating to the Judgement dt.9/9/2020 made in CA No.89/2018 on the file of the V Additional District and Sessions Judge, Madurai by confirming the Judgement dt.9/3/2018 made in STC No.232/2016 on the file of the Judicial Magistrate No.II(FTC), Madurai and set aside the same by allowing the present criminal revision petition and to acquit the petitioner.

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.RAJAMANICKAM, Advocate for the petitioner and of MR.T.VADIVELAN, Advocate for the respondent, the court made the following order:-

This petition is filed to suspend the sentence passed in S.T.C.No.232 of 2016, dated 09.03.2018, on the file of the learned Judicial Magistrate No.II (FTC), Madurai and the same was confirmed in Crl.A.No.89 of 2018, dated 09.09.2020, on the file of the learned V Additional District Sessions Judge, Madurai, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted
<https://hcs.e-courts.gov.in/e-services/> since the petitioner has been convicted by the trial Court for the



alleged offences punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and to pay a compensation of Rs.5,50,000/- (Rupees Five Lakhs Fifty Thousand only).

3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.89 of 2018, dated 09.09.2020, on the file of the learned V Additional District Sessions Judge, Madurai. The learned V Additional District Sessions Judge, Madurai, confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the revision petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner is surrendered before the trial Court.

5. The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall 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 No.II (FTC), Madurai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the bond and the trial Court may obtain a copy



of their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioner shall appear before the trial Court daily at 10.30 a.m until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
22/03/2022

/ TRUE COPY /

/ /2022

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE V ADDITIONAL DISTRICT SESSIONS JUDGE,
MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II,
(FTC), MADURAI.
- 3 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.S.RAJAMANICKAM, Advocate SR.No.13779.

ORDER IN
CRL.M.P. (MD) No.3729 of 2022
in
CRL.R.C. (MD) No.283 of 2022
Date : 22/03/2022

PNM

MK/VR/SAR.IV/23.03.2022/3P/7C

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