



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

Friday, the Twenty First day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.693 & 696 of 2022
IN
CRL RC(MD) No.35 of 2022

P.S.A.RAFICK AHAMED

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

Vs

P.KARUPPASAMY

... RESPONDENT/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 suspense the sentence, it is therefore prayed that this Honble Court may be pleased to suspend the sentence passed by the judgement dated 13/12/2021 made in C.A.No.145/2019 on the file of I Additional District and Sessions Court (PCR) Thanjavur confirming the judgment dated 14.10.2019 made in S.T.C.No.31 of 2015 on the file of Judicial Magistrate Court (Fast Track Court) Thanjavur pending disposal of the above Criminal Revision Petition.

Prayer in CRL MP(MD) . 696/ 2022 :

To exempt the petitioner from surrendering the sentence passed by the judgement dated 13/12/2021 made in C.A.No.145/2019 on the file of I Additional District and Sessions Court, (PCR) Thanjavur confirming the judgement dated 14/10/2019 made in S.T.C.No.31/2015 on the file of Judicial Magistrate Court (Fast Track Court) Thanjavur to submit himself to the judicial custody pending disposal of the above Criminal Revision.

Prayer in CRL RC(MD) . 35/ 2022 :

To call for the records against the judgement dated 13/12/2021 made in C.A.No.145/2019 on the file of I Additional District and Sessions Court, (PCR) Thanjavur confirming the judgement dated 14/10/2019 made in S.T.C.No.31/2015 on the file of Judicial Magistrate Court (Fast Track Court) Thanjavur and set aside the same as illegal and allow the above criminal revision.



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.J.SULTHAN BASHA, Advocate for M/S.AJMAL ASSOCIATES, for the petitioner, the court made the following order:-

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It is seen that the petitioner was convicted by the learned Judicial Magistrate, (Fast Track Court), Thanjavur, in S.T.C.No.31 of 2015 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and to pay a compensation of Rs.5,00,000/- (Rupees Five Lakhs only) in default to undergo two months simple imprisonment, by its judgment dated 14.10.2019.

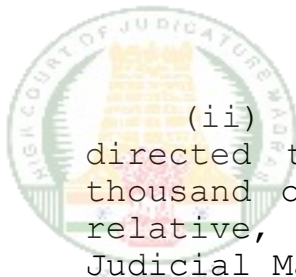
2.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.145 of 2019 before the learned I Additional District and Sessions Judge (PCR), Thanjavur. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 13.12.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.35 of 2022. 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.31 of 2015, before the learned 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, 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 and Twenty Five Thousand only), to the credit of S.T.C.No.31 of 2015, before the learned Judicial Magistrate, (Fast Track Court), Thanjavur, on or before 03.03.2022.



(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, (Fast Track Court), Thanjavur.

WEB COPY (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.

(v) On such deposit, the learned Judicial Magistrate, (Fast Track Court), Thanjavur, shall re-deposit the sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand 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.35 of 2022.

(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, (Fast Track Court), Thanjavur, **(*) within a period of two weeks from the date of deposit.**

6. Accordingly, Crl.M.P.(MD)No.696 of 2022 is dismissed.

sd/-
21/01/2022

(*) Corrected as per order of this Court dated 02/02/2022 in CRL MP(MD) Nos.693 and 696 of 2022 in CRL RC(MD)No.35/2022.

/ TRUE COPY /

24/01/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 21/01/2022 ALREADY DESPATCHED.

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),

THANJAVUR

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



2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, THANJAVUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

+1 C.C. to M/S. AJMAL ASSOCIATES, S.R.No.646.

ORDER IN
CRL MP(MD) No.693 & 696 of 2022
in
CRL RC(MD) No.35 of 2022
Date :21/01/2022

RS/JM/SAR.2(24.01.2022) 4P-4C
USK/PN/SAR-II/07.02.2022/4P-5C