



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

Wednesday, the Second day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1486 and 1488 of 2022

IN

CRL RC(MD)No.82 of 2022

SAHABDEEN

... APPELLANT/PETITIONER
IN BOTH PETITIONS

Vs

MOHAMED MEERAN

... RESPONDENT/RESPONDENT
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 made in CA.No.45 of 2018 dated 20.12.2021 on the file of the Learned Additional Sessions Judge(Fast Track Court), Theni as confirmed in CC.No.57/2017 dated 26.06.2018 on the file of the Learned Fast Track Court(Magistrate Level), Uthmapalayam and enlarge the Petitioner on bail pending disposal of the above appeal.

Prayer in CRL MP(MD) . 1488/ 2022 :

To Exempt the Petitioner from Surrendering before the trial Court in CA.No.45 of 2018 dated 20.12.2021 on the file of the Learned Additional Sessions Judge(Fast Track Court)Theni as confirmed in CC.No.57 of 2017 dt.26.6.2018 on the file of the Learned Fast Track Court(Magistrate Level), Uthamapalayam.

Prayer in CRL RC(MD) . 82/ 2022 :

To call for the records pertaining to the judgments of conviction and sentence passed by the Learned Addl.Sess.Judge(Fast Track Court),Theni in CA.No.45 of 2018 dt.20.12.2021 confirming the judgment of conviction and sentence passed by the Learned Fast Track Court(Magistrate Level)

COMMON 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.KARUPPASAMY PANDIAN.G, Advocate for the petitioner in both Petitions, While admitting the Crl.R.C, the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate / Fast Track Court at Magistrate Level, Uthamapalayam, in C.C.No.57 of 2017 for the offence under Section 138 of Negotiable



Instruments Act and was sentenced to undergo six months rigorous imprisonment and to pay a compensation of Rs.3,00,000/- (Rupees Three Lakhs only), by judgment, dated 26.06.2018.

2. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.45 of 2018, before the learned Additional Sessions Judge (Fast Track Court) Theni. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 20.12.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.82 of 2022. 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 C.C.No.57 of 2017, before the Judicial Magistrate / Fast Track Court at Magistrate Level, Uthamapalayam, 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.1486 of 2022 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, Uthamapalayam, within a period of four weeks from today;

(ii) the petitioner shall deposit of sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of in C.C.No.57 of 2017, before the Judicial Magistrate / Fast Track Court at Magistrate Level, Uthamapalayam, within a period of four weeks from today;

(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, Uthamapalayam,

(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, Uthamapalayam, shall re-deposit the sum of Rs.75,000/- (Rupees Seventy 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.82 of 2022.

6. Accordingly, Crl.M.P.(MD)No.1488 of 2022 is dismissed.

sd/-

02/02/2022

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03/02/2022

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

TO

1 THE ADDITIONAL SESSIONS JUDGE (FAST TRACK COURT),
THENI.

2 THE JUDICIAL MAGISTRATE
FAST TRACK COURT, (MAGISTRATE LEVEL),
UTHAMAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

ORDER IN

CRL MP(MD) No.1486 and 1488 of 2022
IN

CRL RC(MD)No.82 of 2022

Date :02/02/2022

SA/VR/SAR.1/03.02.2022/3P/4C