



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

Tuesday, the Twenty Fifth day of January Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.962 of 2022

IN

CRL RC(MD) No.54 of 2022

R.NEELAMEGAM

... PETITIONER/PETITIONER

Vs

M/S.SAVESEAS POLYMERS PVT.LTD.,
REP.THROUGH ITS DIRECTOR
P.V.PRABHU

... 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 in Judgment dated 23.11.2021 made n Crl.A.No.77 of 2021 on the file of the IV Additional District and Sessions Judge, Madurai confirming the Judgment and sentence passed in STC.no.394 of 2012 on the file of the Judicial Magistrate No.1, Fast Track Court at M.L, Madurai.

Prayer in CRL RC(MD) . 54/ 2022 :

To call for the records and to set aside the order made in Crl.A.No.77 of 2021 dated 23.11.2021 on the file of IV Additional District and Sessions Judge, Madurai, confirming the order of conviction made in STC.No.394 of 2012 dated 15.03.2021 on the file of the Judicial Magistrate No.1, Fast Track Court at M.L, Madurai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MUTHIAH S.I., Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

It is seen that the petitioner was convicted by the learned Judicial Magistrate No.I, (Fast Track Court), Madurai, in S.T.C.No.394 of 2012 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.19,32,000/- (Rupees Nineteen Lakhs and Thirty Two Thousand only) in default to undergo two months simple imprisonment, by its judgment dated 15.03.2021.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.77 of 2021 before the learned IV Additional District and Sessions Judge, Madurai. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 23.11.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.54 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 compensation amount to the credit of S.T.C.No.394 of 2012, before the learned Judicial Magistrate No.I, (Fast Track Court), Madurai, 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.4,83,000/- (Rupees Four Lakhs and Eighty Three Thousand only), to the credit of S.T.C.No.394 of 2012, before the learned Judicial Magistrate No.I, (Fast Track Court), Madurai, on or before 14.02.2022.
- (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 No.I, (Fast Track Court), Madurai.
- (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 No.I, (Fast Track Court), Madurai, shall re-deposit the sum of Rs.4,83,000/- (Rupees Four Lakhs and Eighty Three 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 CrI.R.C.(MD)No.54 of 2022.

(vi) If the aforesaid condition is not complied, the order of suspension of sentence stands automatically cancelled.

sd/-

25/01/2022

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

TO

- 1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
- 2 THE JUDICIAL MAGISTRATE No.I
FAST TRACK COURT (MAGISTRATE LEVEL)
MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

ORDER

IN

CRL MP(MD) No.962 of 2022
IN
CRL RC(MD) No.54 of 2022
Date :25/01/2022

SA/VR/SAR.1/28.01.2022/3P/4C