



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

Thursday, the Twenty Fifth day of August Two Thousand and Twenty Two

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL MP(MD) No.9854 of 2022  
in  
Crl.R.C.(MD)No.791 of 2022

SAI VIJAY KUMARAVEL

... PETITIONER/REVISION PETITIONER

Vs

B.KRISHNAMOORTHY

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order of Suspension of Sentence of the judgement of learned VI Additional District and Sessions Judge, Madurai in C.A.No. 34 of 2020, Dated 11.11.2020 confirming the judgment of learned Judicial Magistrate No.II (FTC Magistrate level) Madurai in STC No.732/2016 Dated. 29.01.2020 pending disposal of this Criminal Revision Petition.

**PRAYER IN Crl.R.C.(MD)No.791 of 2022 :**

To call for the records and set aside the judgment of learned VI Additional Sessions Judge, Madurai in Crl.A.No. 34 of 2020, Dated 11.11.2020 and confirming the judgment passed by the learned Judicial Magistrate No.II (FTC Magistrate level) Madurai in STC No.732/2016 Dated. 29.01.2020 under section 138 NI Act for the simple imprisonment of 6 months and to take compensation of Rs.12,00,000/- to the respondent/respondent/complainant under sec.357 of Cr.P.C. to be paid within 3 months and in default to undergo simple imprisonment for 2 months.

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. RAJA.M.A.M., Advocate for the petitioner, while admitting the Crl.R.C., the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Judicial Magistrate No.II, (FTC Magistrate Level), Madurai in S.T.C.No.732 of 2016, dated 29.01.2020, which was confirmed by the learned VI Additional District and Sessions Judge, Madurai in C.A.No.34 of 2020, dated 11.11.2020.



2.The learned counsel appearing for the petitioner stated that the petitioner/Accused has been convicted by the trial Court for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and also to pay a compensation of Rs.12,00,000/- to the complainant within three months from the date of judgment, in default to undergo Simple Imprisonment for a period of two months.

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.34 of 2020 on the file of the learned VI Additional District and Sessions Judge, Madurai. The learned VI Additional District and Sessions Judge, Madurai, confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the present miscellaneous petition seeking suspension of sentence.

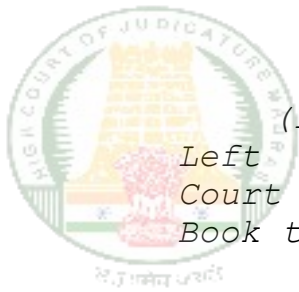
4.The learned counsel for the petitioner further submitted that the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court.

5.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.

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

(i) the petitioner shall deposit 25% of the cheque Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of S.T.C.No.732 of 2016 before the learned Judicial Magistrate No.II, (FTC Magistrate Level), Madurai, on or before **08.09.2022** and thereafter, the petitioner shall deposit another 25% of the cheque amount Rs.3,00,00/- (Rupees Three Lakhs only) to the credit of S.T.C.No.732 of 2016 before the learned Judicial Magistrate No.II, (FTC Magistrate Level), Madurai, within a period of two weeks, failing which the sentence suspended shall automatically be dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law.

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, (FTC Magistrate Level), Madurai.



(iii) The sureties shall affix their photographs Left Thumb Impression in the surety 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 once in a month i.e., on the first working day of every English calendar month 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.

7. Post the matter on **08.09.2022** for reporting compliance in respect of the first installment.

sd/-  
25/08/2022

/ TRUE COPY /

/08/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
MADURAI.
2. THE JUDICIAL MAGISTRATE NO.II,  
(FTC MAGISTRATE LEVEL), MADURAI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

ORDER IN  
CRL MP(MD) No.9854 of 2022  
in  
Cr1.R.C.(MD)No.791 of 2022  
Date :25/08/2022

sj i  
USK/VR/SAR-II/29.08.2022/3P/4C