



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

Wednesday, the Thirtieth day of March Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.2252 of 2022
IN
CRL RC(MD)No.127 of 2022

R.NAKKIRAN

... PETITIONER/REVISION
PETITIONER

Vs

E.DANIEL PARNABA

... RESPONDENT/RESPONDENT

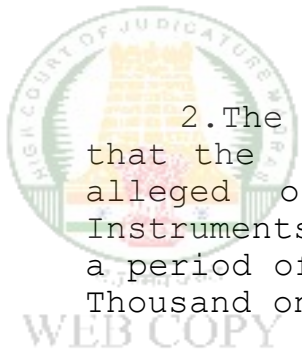
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and grant bail to the Petitioner/Revision Petitioner/Appellant/Accused against the concurrent judgment in CA No.163/2012 on the file of the learned Additional District and Sessions Judge, Srivilliputhur dated 02.12.2021 in STC NO.20 of 2011 on the file of the learned Fast Track Judicial Magistrate, Srivilliputhur dated 12.10.2012 till the disposal of the main criminal Revision Case.

PRAYER IN CRL.RC (MD) No.127/2022:

To call for the records pertaining to the judgment dated 02.12.2021 in Crl.A.No.163 of 2012 on the file of the Learned Additional District and Sessions Judge, Srivilliputhur in STC No.20 of 2011 on the file of the Learned Fast Track Judicial Magistrate, Srivilliputhur dated 12.10.2012 and set aside the same

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.LAJAPATHI ROY.T, Advocate for the petitioner, While admitting the CRL.RC, the court made the following order:-

This petition is filed to suspend the sentence passed in S.T.C.No.20 of 2011, dated 12.10.2012, on the file of the learned Judicial Magistrate, Fast Track Court, Srivilliputhur and the same was confirmed in Crl.A.No.163 of 2012, dated 02.12.2021, on the file of the learned Additional District Sessions Judge, Srivilliputhur, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner submitted that 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 Rigorous Imprisonment for a period of three months and to pay a fine of Rs.2,000/- (Rupees Two Thousand only).

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.163 of 2012, before the learned Additional District Sessions Judge, Srivilliputhur. The learned Additional District Sessions Judge, Srivilliputhur, 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 deposited the cheque amount to the credit of S.T.C.No.20 of 2011 on the file of Fast Track Court, Srivilliputhur.

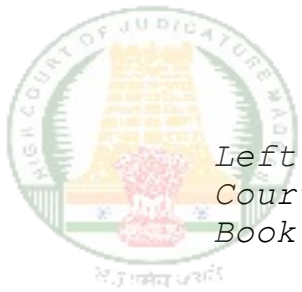
5.The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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, Fast Track Court, Srivilliputhur.



(ii) The sureties shall affix their photographs and 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

(iii) The petitioner shall appear before the trial Court once in fifteen days I.e., on 1st and 15th day of every months 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/-

30/03/2022

/ TRUE COPY /

31/03/2022

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE, SRIVILLIPUTHUR.
- 2 THE JUDICIAL MAGISTRATE, FAST TRACK COURT, SRIVILLIPUTHUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1. C.C. to M/S.LAJAPATHI ROY.T Advocate SR.No.2762

ORDER

IN

CRL MP(MD) No.2252 of 2022

IN

CRL RC(MD)No.127 of 2022

Date :30/03/2022

SA/PN/SAR.2/31.03.2022/3P/5C