



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

Thursday, the Twenty Fourth day of March Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.2577 of 2022

IN

CRL RC(MD) No.153 of 2022

K.P.RAJARATHINAM

... PETITIONER / PETITIONER

Vs

RAJENDRAN

... 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 imposed against the petitioner in STC No.2960/2011 dated 15/3/2021 on the file of Judicial Magistrate,Paramakudi and confirmed in by judgement dated 29/10/2021 Crl.A.No.10/2021 by the Principal District Court,Ramanathapuram pending disposal of the above revision case.

Prayer in CRL RC(MD). 153/ 2022 :

To call for the records pertaining to Judgment of conviction and sentence imposed in CA.No.10/2021 dated 29/10/2021 passed by the Principal District Court, Ramanathapuram confirming the Judgment of conviction and sentence passed in STC No.2960/2011 dated 15.03.2021 on the file of Judicial Magistrate Court, Paramakudi 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 Mr.K.SAMUDURAI, Advocate for the petitioner, While admitting the Crl.RC., the court made the following order:-

This Criminal Miscellaneous petition has been filed to suspend the sentence passed in S.T.C.No.2960 of 2011, dated 15.03.2021 on the file of the learned Judicial Magistrate, Paramakudi, which was confirmed in Crl.A.No.10 of 2021, dated 29.10.2021 on the file of the Principal District Court, Ramanathapuram, pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the Trial Court for the alleged offence punishable under Section 138 r/w. 142 of Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for a



period of two year and to pay a fine of Rs.11,00,000/-, as compensation to the complainant.

3. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the Criminal Appeal before Principal District Court, Ramanathapuram, and the same was dismissed. Aggrieved by the same, this Criminal Revision Case has been filed along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the 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 further submitted that the petitioner had deposited a sum of Rs.2,75,000/- (Rupees Two Lakhs and Seventy Five Thousand Only) on 23.04.2021 to the credit of S.T.C.No.2960 of 2011 on the file of the learned Judicial Magistrate, Paramakudi. Now the learned counsel for the petitioner produce a demand draft for a sum of Rs.2,75,000/- (Rupees Two Lakhs and Seventy Five Thousand Only), dated 22.03.2022 bearing No.723609, drawn on Tamil Nadu Grama Bank, Aruppukottai Branch to show his bonafide.

5. This Court has carefully considered the petitioner's contentions and also perused the materials available on record.

6. The learned counsel appearing for the petitioner pointed out 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 case and further the criminal revision case 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.

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

"(i) The appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi.

(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 appellant shall appear before the trial Court once in a week until further orders."

sd/-
24/03/2022

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/ TRUE COPY /

25/03/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL DISTRICT COURT,
RAMANATHAPURAM.
- 2 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 3 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

+1 CC to Mr.K.SAMIDURAI, Advocate (SR-2542[I] dated 25/03/2022)

ORDER
IN
CRL MP (MD) No.2577 of 2022
IN
CRL RC (MD) No.153 of 2022
Date :24/03/2022

ias
MK/PN/SAR.IV/25.03.2022/3P/5C