



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

Friday, the Eighteenth day of March Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.3597 of 2022
IN
CRL RC(MD) No.275 of 2022

V.RAJATHI

... PETITIONER/ PETITIONER

Vs

D.KANDEEBAN

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant suspension of Conviction of the Judgement Crl.A.No.14/2021 before the Learned Principal Session Judge, Theni District dated 23/12/2021 in STC No.43/2018 on the file of the Learned Judicial Magistrate(FTC), Theni dated 21/12/2020 till the disposal of the instant Criminal Revision Petition.

Prayer in CRL RC(MD). 275/ 2022 :

To call for the records pertaining to the order in Crl.A.No.14/2021 before the Learned Principal Session Judge, Theni dated 23/12/2021 in STC No.43/2018 on the file of the Learned Judicial Magistrate (FTC),Theni dated 21/12/2020 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.T.LAJAPATHI ROY, Advocate for the petitioner, While admitting the Crl.RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the judgment dated 23.12.2021 passed in Crl.A.No. 14 of 2021 on the file of the Principal Sessions Judge, Theni District confirming the judgement dated. 21.12.2020 passed in STC. No. 43 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Theni.

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 Simple Imprisonment for a period of eight months and to pay a sum of Rs.4,00,000/- (Rupees Four lakhs only) with an interest at the rate of 9 % per annum as the complainant.



3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.14 of 2021 on the file of the learned Principal Sessions Judge, Theni. The learned Principal Sessions Judge, Theni 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. The learned counsel appearing for the petitioner would submit that till today the petitioner has not surrendered before the trial Court. However, he is willing to deposit the entire cheque amount.

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 deposit a sum of Rs.4,00,000/- along with an interest at the rate of 9% per annum within a period of one week from the date of receipt of a copy of this Order to the credit in STC No. 43 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Theni, 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

<https://hcservices.ecourts.gov.in/hcservices/> a bond for a sum of Rs.10,000/- (Rupees



Ten Thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Theni.

(iii) 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

(iv) The petitioner shall appear before the trial Court daily 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/-
18/03/2022

/ TRUE COPY /

/ /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 PRINCIPAL SESSIONS JUDGE,
THENI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, THENI.

3 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

+1. C.C. to Mr.T.LAJAPATHY ROY, Advocate SR.No.2248.

ORDER IN
CRL MP(MD) No.3597 of 2022
IN
CRL RC(MD) No.275 of 2022
Date :18/03/2022

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