



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

Thursday, the Nineteenth day of May Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL MP(MD) No.5868 of 2022
IN
CRL RC(MD) No.451 of 2022

1 P.SANKARANARAYANAN

2 P.SANKARANARAYANAN,
PROPRIETOR,
SPICE MASTER CATERING SERVICE

... PETITIONERS/PETITIONERS

Vs

A.SARAVANAN

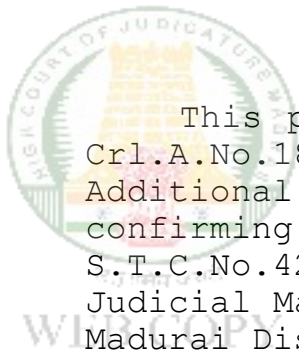
... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the Petitioner on bail by Suspending the sentence imposed upon the Petitioner in STC.No.423 of 2016 on the file of the Learned Judicial Magistrate No.II(Fast Track Court / Magisterial Level), Madurai, Madurai District dated 31/12/2019, which had been confirmed in Crl.A.No.18 of 2020 on the file of the Learned V Additional District and Sessions Judge, Madurai, Madurai District by Judgment dated 08.04.2022 pending disposal of the main Criminal Revision Petition.

Prayer in CRL RC(MD). 451/ 2022 :

To call for the records and set aside the Judgment dated 08/04/2022 passed in Crl.A.No.18 of 2020 on the file of the Learned V Additional District and Sessions Judge, Madurai, Madurai District, confirming the conviction and sentence imposed upon the Petitioner in S.T.C.No.423 of 2016 on the file of Learned Judicial Magistrate No.II (Fast Track / Magisterial Court), Madurai, Madurai District dated 31.12.2019 and Acquit the Petitioner.

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.C.SURESH KANNAN, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-



This petition has been filed to suspend the sentence passed in Crl.A.No.18 of 2020, dated 08.04.2022 on the file of the learned V Additional District and Sessions Judge, Madurai, Madurai District, confirming the conviction and sentence imposed on the petitioners in S.T.C.No.423 of 2016, dated 31.12.2019 on the file of the learned Judicial Magistrate No.II (Fast Track / Magisterial Court), Madurai, Madurai District.

2.The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and to pay a compensation of Rs.10,00,000/- to the complainant under Section 357 of Cr.P.C within a period of three months in default to undergo two months simple imprisonment.

3.Challenging the above said conviction and sentence, the petitioners have filed an appeal in Crl.A.No.18 of 2020, dated 08.04.2022 on the file of the learned V Additional District and Sessions Judge, Madurai, Madurai District. The Appellate Court 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 petitioners 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 petitioners would submit that the petitioners are ready and willing to deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) within a period of four weeks.

5.Heard Ms.M.Aasha, learned Government Advocate (Criminal Side) for the respondent.

6.Considering the facts and circumstances of the case, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.

7.Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioners are suspended, subject to the following conditions:

- i.The petitioners shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) within a period of four weeks from the date of receipt of a copy of this order to the credit of S.T.C.No.423 of 2016 on the file of the learned Judicial Magistrate No.II (Fast Track /



which the sentence suspended shall automatically dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioners in the manner known to law.

ii.The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II (Fast Track / Magisterial Court), Madurai, Madurai District

iii.The personal appearance of the petitioners is dispensed with, the petitioners are directed to appear before the concerned Court, whenever their presence is required.

sd/-

19/05/2022

/ TRUE COPY /

20/05/2022

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

TO

1 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI, MADURAI DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.II,
(FAST TRACK / MAGISTERIAL COURT),
MADURAI, MADURAI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-4890[I] dated 20/05/2022)

ORDER

IN

CRL MP(MD) No.5868 of 2022

IN

CRL RC(MD) No.451 of 2022

Date :19/05/2022

RS/SVR/SAR.2 (20.05.2022) 3P-5C