



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

Tuesday, the Fifth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.7594 of 2022
IN
CRL RC(MD) No.614 of 2022

U.PATTIBIRAMAN

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

S.RAJENDRAN

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

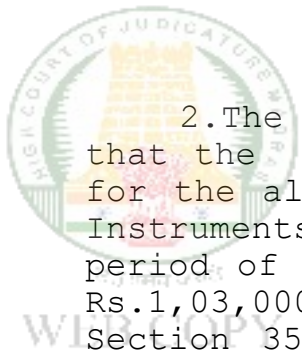
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the learned Judicial Magistrate No.I Sattur in STc.No.305/2013 dt 05.04.2016 which was confirmed by the Honourable Principal District and Sessions Court Virudhunagar District at Srivilliputhur in Crl.A.No.52/2016 by the Honorable Principal District and Sessions Court Virudhunagar district at Srivilliputhur in Crl.A.52 of 2016 by the judgment dated 22.02.2022.

Prayer in CRL RC(MD) . 614/ 2022 :

To call for the entire records relating to the judgment in Crl.A.No.52/2016 dated 22.02.2022 passed by the Honourable Principal District and Sessions Court, Viruhunagar District, Srivilliputhur Confirming the judgment in STC.No, 305/2013 dt 05.04.2016 passed by the Learned Judicial Magistrate No.I, Sattur 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.MALAIKANI.S, Advocate, While admitting the CRL.RC., Advocate for the petitioner, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Judicial Magistrate No.I, Sattur in S.T.C.No.305 of 2013, dated 05.04.2016, which was confirmed by the learned Principal District and Sessions Court, Virudhunagar District at Srivilliputhur in Crl.A.No.52 of 2016, dated 22.02.2022.



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 the respondent cheque amount Rs.1,03,000/- (Rupees One Lakh and Three Thousand only) under Section 357(3) of Cr.P.C., as compensation within two months, in default, to undergo one month simple imprisonment.

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.52 of 2016 on the file of the learned Principal District and Sessions Court, Virudhunagar District at Srivilliputhur. The learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, 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 has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court. 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.

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

(i) the petitioner shall deposit the entire cheque amount of Rs.1,03,000/- (Rupees One Lakh and Three Thousand only), to the credit of S.T.C.No.305 of 2013, before the Judicial Magistrate No.I, Sattur, within a period of four weeks from the date of receipt of copy of this order, 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.I, Sattur.

(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 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.

sd/-

05/07/2022

/ TRUE COPY /

05/07/2022

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

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 JUDICIAL MAGISTRATE NO.I, SATTUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1. C.C. to M/S.MALAIKANI S Advocate SR.No.6591

ORDER

IN

CRL MP(MD) No.7594 of 2022
IN

CRL RC(MD)No.614 of 2022
Date :05/07/2022

SA/VR/SAR.3/05.07.2022/3P/5C