



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

Wednesday, the Thirteenth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6728 of 2022
IN
CRL RC(MD)No.540 of 2022

M.G.V.RAJASEKARAN

... PETITIONER/PETITIONER

Vs

A.MOHANDOSS

... 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 by judgment made in C.A.No.29/2021 passed by the learned 2nd Additional District and Sessions Judge, Thanjavur dated 30.03.2022 in confirming the order of the conviction and sentence dt 24.02.2021 in STC No.15 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Thanjavur.

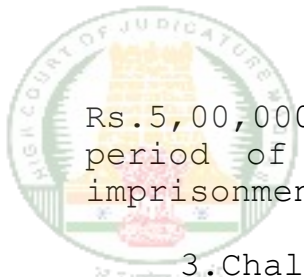
PRAYER IN CRL RC(MD)No.540 of 2022:

Pleased to call for the records pertaining to the impugned judgment and conviction passed by the learned Judicial Magistrate, Fast Track Court, Thanjavur dated 24.02.2021 made in S.T.C.No.15 of 2018 and which is confirmed by the learned 2nd Additional District and Sessions Judge, Thanjavur in C.A.No.29 of 2021 dated 30.03.2022 and set aside the same and allows the above revision petition.

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.J.SULTHAN BASHA, Advocate for M/S.KARUNAKARAN.K.M., 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, Fast Track Court, Thanjavur in STC.No.15 of 2018, dated 24.02.2021, which was confirmed by the learned II Additional District and Sessions Judge, Thanjavur, in C.A.No. 29 of 2021, dated 30.03.2022.

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 six months simple imprisonment and to pay a sum of



Rs.5,00,000/- (Rupees Five lakhs only) to the complainant a period of one month, in default, to undergo two months simple imprisonment.

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.29 of 2021 on the file of the learned II Additional District and Sessions Judge, Thanjavur. The learned II Additional District and Sessions Judge, Thanjavur, 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.

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 has already deposited 25% of the cheque amount at the time of filing the petition.

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 50% of remaining amount within a period of three weeks from the date of receipt of a copy of this order to the credit in STC. No.15 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Thanjavur, failing which the sentence suspended shall automatically dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner



(ii) On such deposit, the petitioner shall execute 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, Fast Track Court, Thanjavur.

(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 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/-

13/07/2022

/ TRUE COPY /

18/07/2022

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 2ND ADDITIONAL DISTRICT & SESSIONS JUDGE, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE, FAST TRACK COURT, THANJAVUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

+1. C.C. to M/S.KARUNAKARAN.K.M., Advocate SR.No.7078

ORDER IN

CRL MP(MD) No.6728 of 2022
IN

CRL RC(MD) No.540 of 2022

Date :13/07/2022

SA/VR/SAR.2/18.07.2022/3P/5C