



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

Monday, the Twenty Seventh day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6475 of 2022
in
CRL.R.C.(MD)No.513 of 2022

S.DHANASEKARAN

... PETITIONER/PETITIONER

Vs

1. B.RAJAM

2. B.SELVAM (POWER AGENT)

... RESPONDENTS/RESPONDENTS

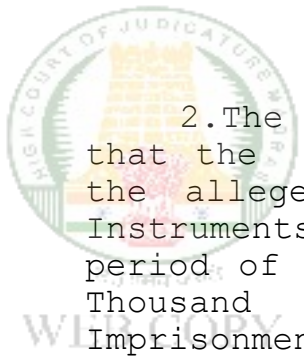
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the Court of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.A.No.23/2015 on 08.04.2022 in confirming the conviction and sentence imposed by the Judicial Magistrate Court, Rajapalayam in C.C.No.51 of 2013 on 13.02.2015 pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD) . 513/2022 :

To call for the records and set aside the order passed by the Court of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.A.No.23/2015 on 08.04.2022 in confirming the conviction and sentence imposed by the Judicial Magistrate Court, Rajapalayam in C.C.No.51 of 2013 on 13.02.2015 and allow this Criminal 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 M/S.JOTHI BASU M, Advocate for the petitioner, while admitting the CRL. RC, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Judicial Magistrate, Rajapalayam, in C.C.No.51 of 2013, dated 13.02.2015, which was confirmed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.A.No.23 of 2015, dated 08.04.2022.



2.The learned counsel appearing for the petitioner submitted that the petitioner/A2 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 two years and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default, to undergo six months Simple Imprisonment.

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.23 of 2015 on the file of the learned Principal District and Sessions Judge, 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 25% of the cheque amount (i.e., Rs.5,00,000/-), to the credit of C.C.No.51 of 2013, before the Judicial Magistrate, Rajapalayam, within a period of four weeks from the date of receipt of copy of this order, 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 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 Court, Rajapalayam;

(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/-
27/06/2022

/ TRUE COPY /

/06/2022
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 DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
2. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-6222[I] dated 28/06/2022)

ORDER IN
CRL MP(MD) No.6475 of 2022
in
CRL.R.C. (MD) No.513 of 2022
Date :27/06/2022

DAS
USK/PN/SAR-IV/30.06.2022/3P/5C