



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.6945 of 2022

IN

CRL RC(MD) No.557 of 2022

J.GEORGE SEBASTIAN

... PETITIONER/PETITIONER

Vs

P.SENTHILKUMAR

... 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 imposed and compensation awarded against the Petitioner in the order passed in STC.No.829/2016 dt.22.10.2020 by the Judicial Magistrate No.II/Fast Track Court, Madurai as the confirmation of the same in the order passed in Criminal Appeal No.66 of 2020 dated 11.04.2022 by the IV Additional District Court, Madurai, pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD) . 557/ 2022 :

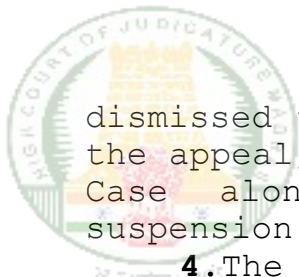
To call for the entire records of both courts below and set aside the order dated 11.04.2022 passed in Criminal Appeal No.66 of 2020 on the file of IV Additional District Court, Madurai in connection with S.T.C.No.829 of 2016 on the file of the Judicial Magistrate No.II / Fast Track Court, Madurai, dated 22.10.2020 in the above 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.VENKATESAN V.R, 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.II, (Fast Track Court), Madurai in STC.No.829 of 2016, dated 22.10.2020, which was confirmed by the learned IV Additional District Court, Madurai, in Cr.A.No.66 of 2020, dated 11.04.2022.

2.The learned counsel appearing for the petitioner submitted that the petitioner 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 to pay a sum of Rs.1,00,000/- (Rupees One lakh only) to the complainant, in default, to undergo two months Simple Imprisonment.

3.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Cr.A.No.66 of 2020 on the file of IV Additional District Court, Madurai. The learned IV Additional District Judge, Madurai, confirmed the conviction and sentence and



dismissed the appeal. Being dissatisfied with the said dismissal of the appeal, the petitioner has preferred the above 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 a sum of Rs.1,00,000/- (Rupees One Lakh Only) within a period of four weeks from the date of receipt of a copy of this order to the credit in STC.No.829 of 2016 on the file of the learned Judicial Magistrate No.II, (Fast Track Court), Madurai, 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.II, (Fast Track Court), Madurai.

(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.

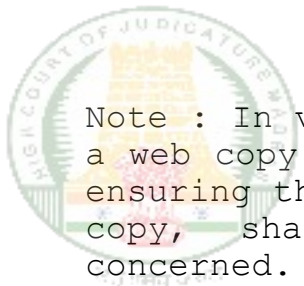
sd/-

27/06/2022

/ TRUE COPY /

30/06/2022

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.

WEB COPY

1 THE IV ADDITIONAL DISTRICT JUDGE, MADURAI.

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

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

+1 CC to M/s.V.R.VENKATESAN, Advocate (SR-6338[I] dated 29/06/2022)

ORDER
IN
CRL MP(MD) No.6945 of 2022
IN
CRL RC(MD) No.557 of 2022
Date :27/06/2022

RS/VR/SAR.4 (30.06.2022) 3P-5C