



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

Wednesday, the Twelfth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL MP(MD) No.7117 of 2022

IN

CRL RC(MD) No.575 of 2022

V.MURUGANANTHAM

... PETITIONER/PETITIONER

Vs

C.SIVAKUMAR

... 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 execution of sentence in CA.No.140 of 2018 dt.01.12.2021 on the file of the Learned II Additional District and Sessions Court, Tiruchirappalli modifying the Judgment passed by the Learned Judicial Magistrate No.IV, Trichirappalli, made in STC.No.187/2016 dated 15.10.2018, pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 575/ 2022 :

Pleased to admit this Revision on file, to call for the records from the Lower courts and set aside the Judgment of the Appellate court passed by the Learned II Additional District and Sessions Court, Tiruchirappalli in CA.No.140 of 2018 dt.1.12.2021 modifying the Judgment passed by the on the file of the Learned Judicial Magistrate No.IV, Trichirappalli made in S.T.C.No.187 of 2016 dated 15.10.2018 by allowing this Revision .

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.JOEL PAUL ANTONY A, Advocate for the petitioner, While admitting the Crl.RC., the court made the following order:-

It is seen that the petitioner was convicted by the Judicial Magistrate No.IV, Tiruchirappalli, in S.T.C.No.187 of 2016 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo two years simple imprisonment and to pay the cheque amount of Rs.7,90,000/- (Rupees Seven Lakhs and Ninety Thousand only), in default, to undergo further period of two months simple imprisonment, by judgment, dated 15.10.2018.



2. As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.140 of 2018 before the and II Additional District and Sessions Judge, Tiruchirappalli. The first appellate Court has modified the sentence into one year simple imprisonment and confirmed the compensation by its judgment dated 01.12.2021. Aggrieved by which, the petitioner has preferred a revision case in CrI.R.C.(MD)No.575 of 2022. Along with the revision, he has filed the present application for suspension of sentence pending disposal of the said revision.

3. 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.

4. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:-

(i) the petitioner shall deposit of sum of Rs.1,58,000/- (Rupees One Lakh Fifty Eight Thousand only) to the credit of in S.T.C.No.187 of 2016, before the Judicial Magistrate No.IV, Tiruchirappalli, within a period of four weeks from the date of receipt of copy of this order;

(ii) On deposit of the aforesaid amount, the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.IV, Tiruchirappalli.

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iv) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision or until further orders.

(v) On such deposit, the before the Judicial Magistrate No.IV, Tiruchirappalli, shall deposit the



sum of Rs.1,58,000/- (Rupees One Lakh and Fifty Eight Thousand only) in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI. R.C.(MD)No.575 of 2022.

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sd/-
12/10/2022

/ TRUE COPY /

/10/2022

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

TO

- 1 THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
TRICHIRAPPALLI.
- 2 THE JUDICIAL MAGISTRATE NO.IV,
TRICHIRAPPALLI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI DISTRICT.

+1. C.C. to M/S.JOEL PAUL ANTONY A Advocate SR.No.11372

ORDER

IN

CRL MP(MD) No.7117 of 2022
IN
CRL RC(MD) No.575 of 2022
Date :12/10/2022

TM

SA/SBN/SAR. /18.10.2022/3P/5C