



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

Thursday, the Twenty Second day of September Two Thousand and Twenty
Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11393 of 2022

IN

CRL RC(MD) No.919 of 2022

SIVASUBRAMANIYAN

... PETITIONER/APPELLANT/ACCUSED

Vs

PALANICHAMY

... 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 on the petitioner vide judgment made in Crl A No.19/2018 dt.10.02.2020 by the Additional District and Sessions Court, Palani confirming the Judgment made in CC No.4/2016, 08.03.2018 on the file of the Learned Judicial Magistrate, Fast Track Court, Palani and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

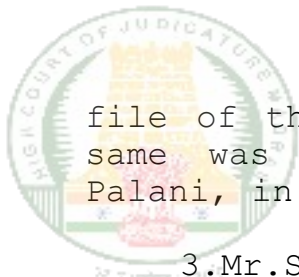
Prayer in CRL RC(MD). 919/ 2022 :

To call for the records relating to the Judgment made in Crl A No.19/2018 dt.10.02.2020 by the Additional District and Sessions Court, Palani confirming the judgment made in C.C.No.4/2016 dt.08.03.2018 on the file of the Learned Judicial Magistrate, Fast Track Court, Palani 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.THIRUPATHY.A, Advocate for the petitioner and of MR.S.C.HEROLD SINGH, Advocate on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence passed in C.C.No.4 of 2016, dated 08.03.2020 on the file of the Judicial Magistrate Fast Track Court, Palani and the same was confirmed in Crl.A.No.19 of 2018, dated 10.02.2020 on the file of the Additional District and Sessions Court, Palani, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.3,000/-, in default to undergo simple imprisonment for a period of one month in C.C.No.4 of 2016 on the



file of the Judicial Magistrate Fast Track Court, Palani, the same was confirmed by Additional District and Sessions Judge, Palani, in Crl.A.No.19 of 2018, dated 10.02.2020.

3.Mr.S.C.Herold Singh, learned counsel 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.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.Having regard to the fact that there are arguable points involved in the revision case and further, the revision case is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner is already enlarged on bail by the trial Court, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Fast Track Court, Palani, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-

22/09/2022

/ TRUE COPY /

28/09/2022

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PALANI.

2 THE JUDICIAL MAGISTRATE, FAST TRACK COURT, PALANI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

ORDER IN

CRL MP(MD) No.11393 of 2022

IN CRL RC(MD) No.919 of 2022

Date :22/09/2022

tta

RS/VR/SAR.3(28.09.2022) 2P-4C

<https://www.mhc.tn.gov.in/judis>