



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

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

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.7752 of 2022
IN
CRL RC(MD)No.619 of 2022

RAMSAMY @ RAMAR

... PETITIONER/APPELLANT/
ACCUSED

Vs

JANAKI

... 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 by the learned Additional District and Sessions Judge, Periyakulam dt.20/9/2022 made in CA No.4/2021, confirming the judgement passed by the Learned Judicial Magistrate, Periyakulam in STC No.763 of 2019 and pending disposal of the above criminal revision petition.

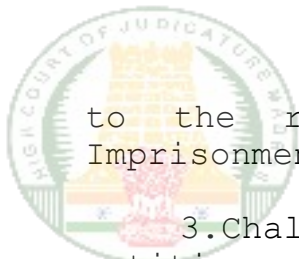
PRAYER IN CRL RC(MD) .619 of 2022:

To call for the records and set aside the impugned Judgement dt.20/9/2021 made in CA.No.04/2021 on the file of the learned Additional District and Sessions Judge, Periyakulam confirming the judgement passed by the learned Judicial Magistrate, Periyakulam, dt.on 06/10/2020 in S.T.C.No.723/2019 by allowing the 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.VISHNU.J, 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, Periyakulam, in S.T.C.No.723 of 2019, dated 06.10.2020, which was confirmed by the learned Additional District and Sessions Judge, Periyakulam in Crl.A.No.04 of 2021, dated 20.09.2021.

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 five months and also to pay compensation of Rs.2,00,000/-



to the respondent, in default to undergo one month Simple Imprisonment.

3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.04 of 2015 on the file of the learned Additional District and Sessions Judge, Periyakulam. The learned Additional District and Sessions Judge, Periyakulam 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 would submit that the petitioner has already deposited a sum of Rs.40,000/- at the time of filing the appeal before the Sessions Court and the petitioner undertakes that in case of granting bail to the petitioner, he would deposit a sum of Rs.1,00,000/- before furnishing sureties and the remaining amount of Rs.60,000/- , after coming out of bail.

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 Lakhs only), to the credit of S.T.C.No.723 of 2019, before the Judicial Magistrate Court, Periyakulam, while executing sureties;

(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, Periyakulam, Theni;

(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.



(v) After coming out of bail, the petitioner is directed to deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of S.T.C.No.723 of 2019, before the Judicial Magistrate Court, Periyakulam, within a period of two weeks, from the date of his release on bail.

sd/-
06/07/2022

/ TRUE COPY /

07/07/2022
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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PERIYAKULAM.
- 2 THE JUDICIAL MAGISTRATE PERIYAKULAM, THENI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

+1 cc to M/S.VISHNU.J, Advocate, SR.No.6751

ORDER

IN

CRL MP (MD) No.7752 of 2022
IN
CRL RC (MD) No.619 of 2022
Date : 06/07/2022

SA/VR/SAR.1/07.07.2022/3P/6C