



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

Monday, the Twenty Fifth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.8241 of 2022
in
Crl.R.C.(MD)No.665 of 2022

SUNDARAM

... PETITIONER / PETITIONER

Vs

1 LEGORY JOHN RAJ

2 THE STATE REP.BY,
PUBLIC PROSECUTOR
NAGERCOIL,
KANYAKUMARI DISTRICT.

... RESPONDENTS / 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 sentence of the petitioner in judgment made in Crl.A.No. 35 of 2014 on the file of the Sessions Court, Kanyakumari at Nagercoil, dated 05.03.2018 confirming the judgment made in C.C.No. 990 of 2012 on the file of the Judicial Magistrate (Fast Track Court), Nagercoil Pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 665/ 2022 :

To call for the records and set aside the judgment made in Crl.A. No. 35 of 2014 on the file of Sessions Court, Kanyakumari at Nagercoil dated 05.03.2018 confirming the judgment made in C.C.No. 990 of 2012 on the file of the Judicial Magistrate No. 1 (Fast Track Court), Nagercoil dated 08.07.2014 convicting the petitioner for an offence under section 138 of Negotiable Instrument Act and sentence him to undergo six months Simple Imprisonment and pay compensation of Rs.60,000/- the cheque amount to the complainant under Section 357(3)of Cr.P.C., in default he shall undergo one month simple imprisonment, and allow the 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 MR.T.SELVAKUMARAN, Advocate for the petitioner and of MR.J.SULTHAN BASHA, Advocate for the 1st respondent and MR.S.MANIKANDAN, Government Advocate (Crl. Side) on behalf of the 2nd

<https://www.mca21.com/> Respondents, the court made the following order:-



This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate Court No.I, (Fast Track Court), Nagercoil, in C.C.No.990 of 2012, dated 08.07.2014, which was confirmed by the learned Sessions Judge, Sessions Court, Kanyakumari at Nagercoil, in Crl.A.No.35 of 2014, dated 05.03.2018.

2. The learned counsel appearing for the petitioner would submit that the petitioner/accused 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 also directed to pay a compensation of Rs.60,000/- (Rupees Sixty Thousand only) under Section 357(3) of Cr.P.C., within one month. He would further submit that the petitioner is in judicial custody from 01.07.2022.

3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.35 of 2014 on the file of the learned Sessions Judge, Kanyakumari at Nagercoil. The learned Sessions Judge, Kanyakumari at Nagercoil, 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 first respondent has not raised any objections.

5. Heard both sides and also perused the records.

6. It is not in dispute that the petitioner has filed a petition in Crl.MP(MD) No.7869 of 2022 in Crl.R.C.(MD)SR No.16676 of 2018 to condone the delay of 767 days in representing the above revision. This Court, vide order, dated 12.07.2022, directed the petitioner to deposit a sum of Rs.60,000/- to the Court and in pursuance of the direction of this Court, the petitioner has deposited Rs.60,000/-.

7. The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court and he has not raised any objections for the respondent to withdraw the amount. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and considering the facts 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.

8. Accordingly, the relief of suspension of sentence and bail is granted in favour of the petitioner on the following conditions:-



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Crl.M.P(MD)



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(i) 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 No.I, (Fast Track Court), Nagercoil.

(ii) 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;

(iii) 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 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.

(iv) The respondent is permitted to withdraw the amount deposited by the petitioner before the trial Court by filing necessary application.

sd/-

25/07/2022

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/07/2022

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

TO

- 1 THE JUDGE,
SESSIONS COURT, NAGERCOIL, KANYAKUMARI
- 2 THE JUDICIAL MAGISTRATE NO.I/
FAST TRACK COURT, NAGERCOIL.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL
- 4 THE PUBLIC PROSECUTOR
NAGERCOIL, KANYAKUMARI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to MR.T.SELVKUMARAN Advocate SR.No.33671 (F).

ORDER IN

Crl.M.P(MD)No.8241 of 2022
in

Crl.R.C.(MD)No.665 of 2022

Date :25/07/2022