



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

Thursday, the Twenty First day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8001 of 2022

IN

CRL RC(MD) No.630 of 2022

M.SINGARAYAR

... PETITIONER/PETITIONER

Vs

P.VELLAICHAMY

... 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 sentence and the compensation imposed on the petitioner in STC No.322 of 2017 on the file of the Learned Judicial Magistrate, Manapparai Dt.25.05.2018 confirmed in Crl.A(MD)No.73 of 2018 Dated 12.04.2022.

Prayer in CRL RC(MD)No.630 of 2022:

To call for the records relating to the order dated 12.04.2022 made in Crl.A.No.73 of 2018 on the file of Learned II Additional District and Sessions Court, Thiruchirapalli and the order dated 25.05.2018 in STC No.322 of 2017 on the file Learned Judicial Magistrate, Manapparai 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.ANTONY ARUL RAJ.T, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence and the compensation imposed on the petitioner by the learned Judicial Magistrate, Manapparai, in S.T.C.No.322 of 2017, dated 25.05.2018, which was confirmed by the learned II Additional District and Sessions Judge, Tiruchirappalli, in Crl.A.No.73 of 2018, dated 12.04.2022.

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.20,00,000/- (Rupees Twenty Lakhs only) under Section 357 of Cr.P.C., within one month.



3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.73 of 2018 on the file of the learned II Additional District and Sessions Judge, Tiruchirappalli. The learned II Additional District and Sessions Judge, Tiruchirappalli, 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 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 25% of the compensation amount i.e., **Rs.5,00,000/-** (Rupees Five Lakhs only), to the credit of S.T.C.No.322 of 2017, before the Judicial Magistrate, Manapparai, on or before **22.08.2022**;

(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, Manapparai;

(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;

(iv) Thereafter, the petitioner shall deposit the another 25% of the compensation amount i.e., **Rs.5,00,000/-** (Rupees Five Lakhs only), to the credit of S.T.C.No.322 of 2017, before the Judicial Magistrate, Manapparai, on or before **21.09.2022**;

(v) 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 Court on any other day in lieu of the date of his absence, as directed by the trial Court; and

(vi) In the event of failure to comply with the conditions imposed by this Court, the sentence suspended shall automatically stand vacated and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law.

6. Post the matter on **23.08.2022** under the caption 'for reporting compliance'.

sd/-
21/07/2022

/ TRUE COPY /

26/07/2022

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

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE, MANAPPARAI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-7513[I] dated 22/07/2022)

ORDER
IN
CRL MP(MD) No.8001 of 2022
IN
CRL RC(MD) No.630 of 2022
Date :21/07/2022

RS/VR/SAR.1 (26.07.2022) 3P-5C