



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Nineteenth day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL.M.P.(MD)Nos.11180 and 11183 of 2022
in
Crl.R.C.(MD).Nos.899 and 900 of 2022

V.VINOTHKUMAR

... PETITIONER / APPELLANT
IN BOTH PETITIONS

Vs

C.ASHOK

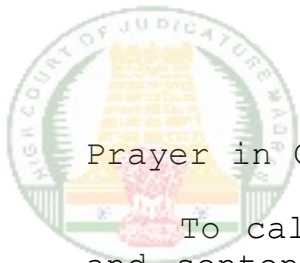
... RESPONDENT / RESPONDENT
IN BOTH PETITIONS

Prayer in CRL MP(MD). 11180/ 2022 in CRL RC(MD). 899/ 2022 :

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 passed in Judgment of Conviction and sentence dated 20.06.2022 in Criminal Appeal No.83 of 2018 on the file learned III Additional and Sessions Judge, Tiruchirapalli, confirming the Judgment and Conviction and sentence dated 12.06.2018 in S.T.C.No.1923 of 2016 on the file Learned Judicial Magistrate No.IV, Tiruchirapalli, convicting the petitioner / Appellant for offences under section 138 of Negotiable Instrument and sentencing him to undergo 1 year simple imprisonment and also to pay the cheque amount of Rs.10,000,000/-, pending disposal of the above criminal revision petition.

Prayer in CRL MP(MD). 11183/ 2022 in CRL RC(MD). 900/ 2022 :

To Suspend the sentence passed in Judgment of Conviction and sentence dated 20.06.2022 in Criminal Appeal No.84 of 2018 on the file learned III Additional and Sessions Judge, Tiruchirapalli, confirming the Judgment of Conviction and sentence dated 12.06.2018 in S.T.C.No.326 of 2016 on the file Learned Judicial Magistrate No.IV, Tiruchirapalli, convicting the petitioner / Appellant for offences under section 138 of Negotiable Instrument and sentencing him to undergo 1 year simple imprisonment and also to pay the cheque amount of Rs.2,61,900/-, pending disposal of the above criminal revision petition.



Prayer in CRL RC(MD). 899/ 2022 :

To call for the records relating to the Judgment of Conviction and sentence dated 20.06.2022 in Criminal Appeal No.83 of 2018 on the file Learned III Additional and Sessions Judge, Tiruchirapalli, Confirming the Judgment of Conviction and sentence dated 12.06.2018 in S.T.C.No.1923 of 2016 on the file Learned Judicial Magistrate No.IV, Tiruchirapalli and set aside the same.

Prayer in CRL RC(MD). 900/ 2022 :

To call for the records relating to the Judgment of Conviction and sentence dated 20.06.2022 in Criminal Appeal No.84 of 2018 on the file Learned III Additional and Sessions Judge, Tiruchirapalli, confirming the Judgment of Conviction and sentence dated 12.06.2018 in S.T.C.No.326 of 2016 on the file Learned Judicial Magistrate No.IV, Tiruchirapalli 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.SHANMUGANATHAN.VR, Advocate for the petitioner in both petitions, While admitting the Crl.RC's., the court made the following order:-

These petitions have been filed to suspend the sentence imposed by the learned Judicial Magistrate No.IV, Tiruchirappalli, in S.T.C.Nos.1923 of 2016 and S.T.C.No.326 of 2016, dated 12.06.2018.

2.The learned counsel for the petitioner submitted that the reason for dishonor of cheques that "kindly contact the drawee bank and please present again" will not attract the offence under Section 138 of the Negotiable Instruments Act.

3.Heard both sides and also perused the materials available on record.

4.Considering the above facts and circumstances, this Court is inclined to suspend the sentence imposed on the petitioner.

5.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment imposed on the petitioner in both the cases alone is suspended pending disposal of the appeal 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 No.IV, Tiruchirappalli, and the petitioner shall deposit 20% [i.e.,Rs.52,380/- and Rs.2,00,000/-,] of the compensation amount as awarded by the trial Court in both Revision Petitions before the

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petitioner shall appear before the said Court once in a at
10.30 a.m. pending appeal.

sd/-
19/09/2022

/ TRUE COPY /

WEB COPY

27/09/2022

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

TO

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

ORDER

IN

CRL.M.P. (MD) Nos.11180 and 11183 of 2022
in

Cr1.R.C. (MD) .Nos.899 and 900 of 2022

Date :19/09/2022

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MK/VR/SAR.III/27.09.2022/3P/4C