



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

Tuesday, the First day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD)No.8951 and 8952 of 2021
IN
CRL RC(MD)No.763 of 2021

ASIR YUVARAJA

... PETITIONER/REVISION
PETITIONER
IN BOTH PETITIONS

Vs

KASA MUTHAMMAL

... RESPONDENTS/RESPONDENTS
IN BOTH PETITIONS

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 I Additional Sessions Judge, Tirunelveli in Crl.A.No.28/2018 dated 24.08.2021 by confirming the judgment passed in STC No. 639 of 2015 dated 05.01.2018 on the file of District Munsif cum Judicial Magistrate, Cheranmahadevi and enlarge petitioner on bail pending disposal of above criminal revision petition.

PRAYER IN CRL MP(MD) . 8952/ 2021 :

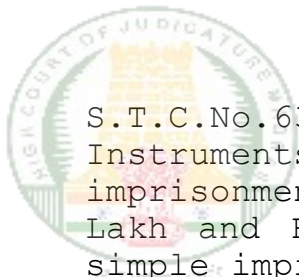
To exempt the surrender before the courts below in Crl.A.No. 28/2018 dated 24.08.2021 on the file of the Learned I Additional Sessions Judge, Tirunelveli by confirming the Judgment passed in STC NO. 639 of 2015 dated 05.01.2018, District Munsif cum Judicial Magistrate, Cheranmahadevi

PRAYER IN CRL RC(MD) . 763/ 2021 :

To call for the records pertaining to the judgment in Crl.A.No.28/2018 dated 24.08.2021 on the file of the Learned I Additional Sessions Judge, Tirunelveli by confirming the judgment passed in STC No.639 of 2015 dt.05.01.2018, District Munsif cum Judicial Magistrate, Cheranmahadevi

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.HAROON RASHEED.D.S., Advocate for the petitioner in both petitions, the court made the following order:-

It is seen that the petitioner was convicted by the learned District Munsif Cum Judicial Magistrate, Cheranmahadevi, in
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S.T.C.No.639 of 2015 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo six months rigorous imprisonment and to pay a compensation of Rs.1,15,000/- (Rupees One Lakh and Fifteen Thousand only) in default to undergo two months simple imprisonment, by its judgment dated 05.01.2018.

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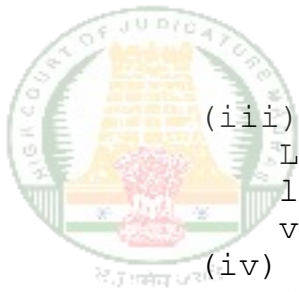
2.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.28 of 2018 before the learned I Additional District and Sessions Judge, Tirunelveli. The first appellate Court has also confirmed the conviction and sentence, by its judgement dated 24.08.2021. Aggrieved by which, the petitioner has preferred a revision case in Crl.R.C.No.763 of 2021. Along with the revision, he has filed the present applications (i) for suspension of sentence pending disposal of the said revision and (ii) to exempt the petitioner from surrendering before the Courts below.

3.The learned counsel for the petitioner fairly conceded that the petitioner is ready and willing to deposit 25% of the compensation amount to the credit of S.T.C.No.639 of 2015, before the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, without prejudice to his case.

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 substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

- (i) the petitioner shall deposit of sum of Rs.28,750/- (Rupees Twenty Eight Thousand Seven Hundred and Fifty only), to the credit of S.T.C.No.639 of 2015, before the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, on or before 03.03.2022.
- (ii) On deposit of the aforesaid amount, the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Cheranmahadevi.



- (iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.
- (iv) the petitioner shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision.
- (v) On such deposit, the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, shall re-deposit the sum of Rs.28,750/- (Rupees Twenty Eight Thousand Seven Hundred and Fifty only) in any Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.(MD)No.763 of 2021.
- (vi) If the aforesaid condition is not complied, the order of suspension of sentence stands automatically cancelled.
- (vii) The petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the District Munsif cum Judicial Magistrate, Cheranmahadevi, within a period of two weeks from the date of receipt of copy of this order.

6. Accordingly, Crl.M.P.(MD)No.8952 of 2021 is dismissed.

sd/-

01/02/2022

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/ /2022

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

TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.
- 2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
CHERANMAHADEVI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

ORDER IN

CRL MP(MD)No.8951 and 8952 of 2021
IN

CRL RC(MD)No.763 of 2021

Date :01/02/2022

SA/VR/SAR.1/03.02.2022/3P/4C

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