



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

Wednesday, the Nineteenth day of October Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) No.10694 of 2022
in
Crl.R.C. (MD) .No.851 of 2022

SELVAKUMAR

... PETITIONER / PETITIONER

Vs

RAMESH

... RESPONDENT / RESPONDENT

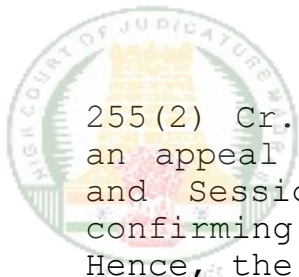
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of Imprisonment imposed by the Learned II-Additional District and Sessions Judge, Thanjavur in Crl.A.No.96 of 2021 by the Judgment dated 18.3.2022 confirming the conviction and sentence imposed by the Learned Judicial Magistrate(Fast Track Court), Thanjavur in S.T.C.No.153 of 2019 by the Judgment dated 30.03.2021 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL RC(MD) . 851/ 2022 :

To call for the records relating to the impugned order of conviction in CA.No.96 of 2021 on the file of the II-Additional District and Sessions Judge, Thanjavur dated 18.3.2022 in STC.No.153 of 2019 dt.30.3.2021 which is on the file of the Learned Judicial Magistrate(Fast Track Court), Thanjavur and set aside the same and consequently acquit the petitioner.

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.DEVAKI A, Advocate for the petitioner and of MR.S.K.MANI, Advocate on behalf of the Respondent, While admitting the Crl.RC., the court made the following order:-

The petitioner was convicted by the Judgment dated 30.03.2021 by the learned Judicial Magistrate (Fast Track Court), Thanjavur, in S.T.C.No.153 of 2019 in the following manner. The petitioner was found guilty for the offence punishable under Section 138 of Negotiable Instrument Act and sentenced to undergo 6 months Simple Imprisonment and awarded compensation of Rs.4 lakhs payable by the accused to the complainant for the offence under Section 357(3) Cr.P.C within a period of 1 month, in default to undergo Simple Imprisonment for a period of 2 months, for the offence under Section



255(2) Cr.P.C Aggrieved by the same, the petitioner has filed an appeal in C.A.No.96 of 2021, before the II Additional District and Sessions Judge, Thanjavur, and the same was dismissed by confirming the judgment in S.T.C.No.153 of 2019 dated 30.03.2021. Hence, the petitioner seeks suspension of sentence.

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2.The learned counsel appearing for the petitioner would submit that neither the Trial Court nor the Appellate Court has not taken into account the actual liability that was also exist between the complainant and the petitioner. On that ground, he prays for suspending the sentence imposed upon the petitioner.

3.In view of the submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.

4.Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended 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 Judicial Magistrate Court No.II, Tirunelveli, on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-

19/10/2022

/ TRUE COPY /

20/10/2022

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

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

2 THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT), THANJAVUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

COPY TO:

1 THE JUDICIAL MAGISTRATE COURT NO.II, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-11645[I] dated
19/10/2022)

ORDER IN

CRL.M.P.(MD)No.10694 of 2022
in

CrI.R.C.(MD).No.851 of 2022

Date :19/10/2022