



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

Wednesday, the Twenty Eighth day of September Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) No.11672 of 2022
in
CRL.R.C. (MD) No.946 of 2022

T. BALASUBRAMANIAN

... PETITIONER/PETITIONER

Vs

V. PERUMAL

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspending the sentence imposed in Crl.A.No.68 of 2021 by the I Additional District and Sessions Judge, Trichy dated 12.7.2022 by confirming the judgment and conviction in STC.No.358 of 2019 by the District Munsif cum Judicial Magistrate, Srirangam, dated 20.10.2021.

Prayer in CRL RC(MD). 946/ 2022 :

To call for the records and to set aside the order in Crl.A.No.68 of 2021 by the I Additional Dist and Sessions Judge, Trihcy dated 12.7.2022 by confirming the Judgment and conviction in STC.No.358 of 2019 by the District Munsif cum Judicial Magistrate, Srirangam dated 20.10.2021.

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.LENIN KUMAR T, Advocate for the petitioner, while admitting the CRL.RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned I Additional District and Sessions Judge, Trichy in Crl.A.No.68 of 2021, dated 12.07.2022, in confirming the conviction and sentence imposed by the learned District Munsif cum Judicial Magistrate, Srirangam, in S.T.C.No.358 of 2019, dated 20.10.2021, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and to pay a compensation of Rs.7,12,000/- (Rupees Seven Lakhs and Twelve



Thousand only) to the Complainant within a period of one month from the date of that Judgment, in default to undergo a further period of three months simple imprisonment. The learned I Additional District & Sessions Judge, Trichy, confirmed the same in CrI.A.No.68 of 2021.

3.The learned counsel appearing for the petitioner submitted that based on the admission of signature of the revision petitioner in the disputed cheque, the above said judgment has been passed. But the same was given at the time of entering into the partnership agreement. Hence, there is no legal liability or debt. Based upon Ex.P1, the above said conviction has been imposed. According to him, it is not a valid document. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.This Court has carefully considered the contentions put forward by the petitioner and also perused the materials available on record.

5.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with condition that the petitioner shall deposit the 20% of the compensation amount before the concerned Court and on such deposit, the petitioner is directed to be enlarged on bail on his executing 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 I Additional District and Sessions Judge, Trichy and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-
28/09/2022

/ TRUE COPY /

14 /10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, TRICHY.
2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SRIRANGAM.
3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-10742[I] dated
29/09/2022)

ORDER
IN
CRL.M.P. (MD) No.11672 of 2022
in
CRL.R.C. (MD) No.946 of 2022
Date :28/09/2022

RK/VR/SAR- (14/10/2022) 3P/5C