



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

Friday, the Eleventh day of November Two Thousand and Twenty Two

PRESENT

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The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.12855 of 2022
in
CRL.R.C. (MD)No.1023 of 2022

ISHIDHOR RAJAN

... PETITIONER/PETITIONER/
APPELLANT/SOLE ACCUSED

Vs

1. V.RAVICHANDRAN

... 1st RESPONDENT/1st RESPONDENT/
1st RESPONDENT/COMPLAINANT

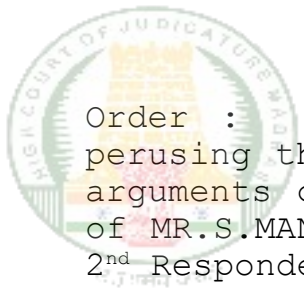
2. THE STATE THROUGH,
THE PUBLIC PROSECUTOR,
DINDIGUL DISTRICT,
DINDIGUL.

... 2nd RESPONDENT/2nd RESPONDENT/
2nd 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 imposed in CC No.42 of 2017 by the learned Judicial Magistrate (Fast Track Court at Magisterial Level) Palani dated 16.05.2018 convicting the petitioner for the offence u/s 138 of Negotiable Instruments Act and sentencing him to undergo six month simple imprisonment and to pay a fine amount of Rs.3000/- in case failed to pay the fine amount to under go one month simple imprisonment u/s.255 (2) Cr.PC and confirmed by the learned Additional District and Sessions Judge, Palani, in Criminal Appeal No.45 of 2018 dated 22.06.2022.

PRAYER in CRL.R.C. (MD)No.1023 of 2022 :

Pleased to call for records and set aside the conviction and sentence passed in C.C.No.42 of 2017 by the Learned Judicial Magistrate (Fast Track Court at Magisterial Level), Palani dated 16.05.2018 convicting the petitioner for the offence under section 138 of Negotiable Instruments Act and sentencing him to undergo six month simple imprisonment and to pay a fine amount of Rs.3000/- in case failed to pay the fine amount to under go one month simple imprisonment u/s.255(2) Cr.PC and confirmed by the learned Additional District and Sessions Judge, Palani, in Criminal Appeal 45 of 2018 dated 22.06.2022.



Order : This petition coming up for orders on this day, on perusing the petition filed in support thereof and upon hearing the arguments of M/S.SARVAGAN PRABHU.S, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the 2nd Respondent, the court made the following order:-

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This petition is filed to suspend the sentence imposed by the Court of the learned Additional District and Sessions Judge, Palani, Dindigul District, in Crl.A.No.58 of 2018, dated 22.06.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate (Fast Track Court Magisterial Level), Palani, in C.C.No.42 of 2017, dated 16.05.2018, 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 to undergo six months simple imprisonment and imposed a fine of Rs.3,000/- in default to undergo one month simple imprisonment. The appellate Court has confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal.

3.The learned counsel appearing for the petitioner submitted that after the disposal of the appeal by the appellate Court, there was compromise between the parties, by which the entire issue has been settled.

4.Mr.S.Manikandan, learned Government Advocate (Crl. Side) takes notice on behalf of the respondent No.2.

5.In view of the submission made by the learned counsel for the petitioner, this Court is inclined to allow this petition.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and 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 Judicial Magistrate, (Fast Track Court), Palani 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.

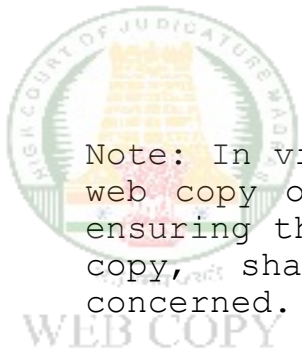
sd/-

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



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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PALANI, DINDIGUL DISTRICT.
2. THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT AT MAGISTERIAL LEVEL),
PALANI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
4. THE STATE THROUGH PUBLIC PROSECUTOR,
DINDIGUL DISTRICT, DINDIGUL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.12855 of 2022
in

CRL.R.C. (MD) No.1023 of 2022

Date :11/11/2022

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USK/SSS/SAR-I/18.11.2022/3P/6C