



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of December Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14152 of 2022
in
CRL.R.C. (MD) No.1118 of 2022

G.THIAGARAJAN

... PETITIONER/PETITIONER/
APPELLANT

Vs

M/S.SREE GOKULAM CHIT AND FINANCE COMPANY PRIVATE LTD.,
THORUGH ITS POWER AGENT,
P.RAJASEKAR

... RESPONDENT/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 imposed by the Hon'ble Additional District Court (FTC), Nagercoil in CA.No.111/2017 dated.09.09.2022 in dismissing the Criminal Appeal and confirming the conviction and sentence passed by the Judicial Magistrate (Fast Track Court No.II), Magisterial Level, Nagercoil in C.C.No.515/2012, dated 17.07.2017 pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL.R.C. (MD) No.1118 of 2022 :

Pleased to call for the records of the impugned Judgment of the Hon'ble Additional District Court (FTC) Nagercoil in C.A.No.111 of 2017 dated 09.09.2022 in dismissing the Criminal Appeal and confirming the conviction and sentence passed by the Learned Judicial Magistrate (Fast Track Court No.II), Magisterial Level, Nagercoil, in C.C.No.515/2012 dated 17.07.2017 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.RAMAKRISHNAN S, Advocate for the petitioner and of and of none appeared for the respondent either in person or through by an advocate, the court made the following order:-



This petition is filed to suspend the sentence imposed by the Court of the learned Additional District Judge, Fast Track Court, Nagercoil, in Crl.A.No.111 of 2017, dated 09.09.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Nagercoil in C.C.No.515 of 2012 dated 17.07.2017, 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 six months simple imprisonment. The appellate Court has confirmed the conviction and sentence imposed by the trial Court.

3.The learned counsel appearing for the petitioner submitted that in pursuance of the order passed by this Court earlier, he has deposited 50% of the cheque amount i.e., Rs.1,12,650/- before the trial Court and produced the voucher for the same.

4.In view of the compliance of the order of this Court, 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 No.II, Magisterial Level, Nagercoil, 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/-
13/12/2022

/ TRUE COPY /

16/12/2022
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 JUDGE,
FAST TRACK COURT, NAGERCOIL.

<https://www.mhc.tn.gov.in/judis>



2. THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.II, MAGISTERIAL LEVEL,
NAGERCOIL.

3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

+1 CC to M/s.RAMAKRISHNAN S, Advocate (SR-14789[I] dated
14/12/2022)

ORDER

IN

CRL MP (MD) No.14152 of 2022
in

CRL.R.C. (MD) No.1118 of 2022

Date :13/12/2022

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USK/SSS/SAR- /16.12.2022/3P/5C