



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Nineteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P. (MD)Nos.15707 and 16007 of 2022

in

Crl.R.C. (MD)Nos.1249 and 1270 of 2022

S.MARAGATHAM

... PETITIONER/REVISION PETITIONER
IN BOTH CASES

Vs

K.BANUMATHI

... RESPONDENT/RESPONDENT
IN CRL MP (MD)No.15707 OF 2022

KATHIRAVAN

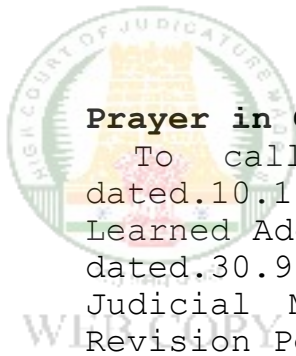
...RESPONDENT/RESPONDENT
IN CRL MP (MD)NO.16007 OF 2022

Prayer in CRL MP(MD)No.15707 of 2022 in CRL RC(MD)No. 1249/ 2022 :

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 the Petitioner imposed in judgment dt.10.11.2022 made in Crl.A.No.79 of 2019 on the file of the Learned Additional District Judge, Sivagangai confirmed in judgment dt.30.9.2019 in CC.No.37 of 2017 on the file of the Learned Judicial Magistrate (FTC), Karaikudi pending disposal of the above Criminal Revision Petition.

Prayer in CRL MP(MD)No.16007 of 2022 IN CRL RC(MD)No.1270 of 2022:

To Suspend the Sentence of the Petitioner imposed in Judgment dated 10.11.2022 made in Crl.A.No.80 of 2019 on the file of the Learned Additional District Judge, Sivagangai confirmed in judgment dated 30.9.2019 in CC.No.36 of 2017 on the file of the Learned Judicial Magistrate(FTC), Karaikudi, pending disposal of the above Criminal Revision Petition.

**Prayer in CRL RC(MD)No. 1249/ 2022 :**

To call for the records and to set aside the judgment dated.10.11.2022 made in Crl.A.No.79 of 2019 on the file of the Learned Additional District Judge, Sivagangai confirming the judgment dated.30.9.2019 made in CC.No.37 of 2017 on the file of the Learned Judicial Magistrate (FTC), Karaikudi and to allow the Criminal Revision Petition.

PRAYER IN CRL RC(MD)No.1270 of 2022:

To set aside the judgment dated 10.11.2022 made in CRL A No.80 of 2019 on the file of the Learned Additional District Judge, Sivagangai, confirming the judgment dated 30.09.2019 made in C.C.No.36 of 2017 on the file of the Learned Judicial Magistrate (FTC), Karaikudi and to allow the Criminal Revision Petition.

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.THIRUMAL V, Advocate for the petitioner in both cases, the court made the following order:-

When the matter is taken up for hearing today, the learned Counsel for the respondents would submit that the petitioner, at the time of enquiry in the suspension of sentence petition, submitted that the entire amount was settled by the petitioner by way of selling one of the properties belongs to the petitioner to the complainant and the same was not taken into consideration either by the trial Court or by the appellate Court, hence, this Court was inclined to suspend the sentence of imprisonment without any direction for deposit. He would further submit that the cheques in dispute were issued only for the payment of balance amount borrowed by the petitioner adjusting the remaining amount by way of the execution of the sale deed.

*** 2. As rightly contended by the learned counsel for the petitioner, the above aspects were already considered by the trial Court and the appellate Court. He would further submit that at the time of suspension of sentence before the appellate Court, 20% of the compensation amount was ordered to be deposited and since the same was not deposited, earlier order granting suspension was cancelled by the appellate Court and the petitioner has preferred Criminal Revisions before this Court challenging the said order and as per directions of this Court, 25% of the compensation amount was deposited.**

*** 3.Considering the facts and circumstances, the revision petitioner is directed to deposit 25% of the compensation amount (separately for two cases) before the trial Court on or before**



4. Post the matter on 25.07.2023.

sd/-
19/06/2023

WEB COPY

/ TRUE COPY /

(*) FOR BEING MENTIONS AS PER
ORDER OF THIS COURT DATED
11.07.2023 IN CRL MP(MD) NOS.15707
AND 16007 OF 2022 IN CRL RC(MD)
NOS.1249 AND 1270 OF 2022.

/07/2023

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

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 19/06/2023 ALREADY DESPATCHED

- 1 THE ADDITIONAL DISTRICT JUDGE,
SIVAGANGAI.
- 2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, KARAIKUDI.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.V.THIRUMAL, Advocate (SR-,9191,9192[I] dated
20/06/2023)

+2 CC TO M/S.C.JEYAPRAKSH, Advocate SR-9067,9068

ORDER
IN
Crl.M.P.(MD)Nos.15707 and 16007 of 2022
in
Crl.R.C.(MD)Nos.1249 and 1270 of 2022
Date :19/06/2023

RK/BUC/SAR- (23/06/2023) 4P/9C
ED/MMS/SAR- (14/07/2023) 3P 9C

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