



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

Wednesday, the Twenty First day of December Two Thousand and
Twenty Two

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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

S.MARAGATHAM

... PETITIONER/REVISION PETITIONER

Vs

KATHIRAVAN

... 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 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.

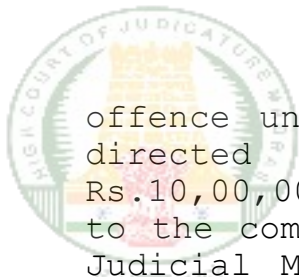
PRAYER IN CRL RC(MD) No.1270 of 2022:

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 : 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.THIRUMAL V, Advocate for the petitioner, while admitting the CRL RC, the court made the following order:-

This petition is filed to suspend the sentence and conviction passed in C.C.No.36 of 2017, dated 30.09.2019 on the file of the Judicial Magistrate(FTC), Karaikudi and the same was confirmed in Crl.A.No.80 of 2019, dated 10.11.2022 on the file of the learned Additional District Judge, Sivagangai, 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 255(2) of Cr.P.C and the petitioner sentenced to undergo fifteen months of simple imprisonment and to pay a fine of Rs.10,01,000/- (Ten Lakhs One Thousand only) in default to undergo 3 months simple imprisonment and granted 30 days time to pay the fine amount from the date of judgment and for the



offence under Section 357(1)(b) of Cr.P.C, and the petition is directed to out of Rs.10,01,000/- fine amount a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as compensation to be paid to the complainant in C.C.No.36 of 2017 on the file of the learned Judicial Magistrate(FTC), Karaikudi and the same was confirmed by learned Additional District Judge, Sivagangai, in Crl.A.No.80 of 2019, dated 10.11.2022.

3. The learned counsel for the revision petitioner submitted that after the issuance of cheque, a complaint was made by the respondent/complainant. At the time of enquiry, the entire amount was settled by the petitioner, by way of, one of the property belongs to the petitioner, was sold to the complainant and the same was not taken into consideration either by the trial Court or by the appellate Court.

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

5. Accordingly, 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 learned Judicial Magistrate(Fast Track Court), Karaikudi, and 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 revision.

sd/-
21/12/2022

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/01/2023

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

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TO

1. THE JUDICIAL MAGISTRATE (FAST TRACK COURT), KARAIKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE ADDITIONAL DISTRICT JUDGE, SIVAGANGAI.

+1 CC to M/s. THIRUMAL V, Advocate (SR-15329[I] dated 22/12/2022)

ORDER IN
CRL MP(MD) No.16007 of 2022
in CRL RC(MD) No.1270 of 2022
Date : 21/12/2022