



WEB COPY

CRL MP(MD)



23

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

Friday, the Sixth day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.471 of 2023

IN

CRL RC(MD) No.29 of 2023

S.GANESHAN

... PETITIONER/APPELLANT/ACCUSED

Vs

B.SAKTHIVEL

... RESPONDENT/RESPONDENT/COMPLAINANT

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 and grant Bail in the order passed in CA.No.99 of 2018 dt.17.12.2019 on the file of VI-Additional Sessions Judge, Madurai confirming the same in STC.No.81 of 2016 dt.7.9.2018 on the file of Learned Judicial Magistrate No.II (FTC, Magistrate Level), Madurai pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL RC. (MD) No.29 of 2023 :

Pleased to call for the records and set aside the conviction and sentence passed in C.A.No.99 of 2018 dated 17.12.2019, on the file of VI Additional Sessions Judge, Madurai confirming the same in S.T.C.No.81 of 2016, dated 07.09.2018 on the file of Learned Judicial Magistrate No.II(FTC, Magistrate Level), Madurai.

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.MAREES KUMAR.E, Advocate for the petitioner, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned VI Additional Sessions Judge, Madurai, in Crl.A.No.99 of 2018, dated 17.12.2019, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level), Madurai, in S.T.C.No.81 of 2016, dated 07.09.2018, 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 r/w 142 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months. 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 has stated that the matter has been compromised between the parties out of the Court. To that effect he has also filed the Joint Compromise Memo.

4.In view of the above development, this Court is inclined to suspend the sentence imposed on the petitioner.

5.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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Superintendent of Central Prison, Madurai and on further condition that the petitioner shall appear before this Court on 10.01.2023 at 2.15 p.m. with the complainant.

sd/-

06/01/2023

/ TRUE COPY /

06/01/2023

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

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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 VI ADDITIONAL SESSIONS JUDGE, MADURAI.
2. THE JUDICIAL MAGISTRATE NO.II,
FAST TRACK COURT (MAGISTERIAL LEVEL), MADURAI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.MAREES KUMAR E Advocate SR.No.269(I).

ORDER IN
CRL MP(MD) No.471 of 2023
IN
CRL RC(MD) No.29 of 2023
Date :06/01/2023

USK/SSS/SAR- /06.01.2023/2P/7C