



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

Monday, the Twenty Third day of January Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1046 of 2023

IN

CRL RC(MD) No.81 of 2023

PRABAVATHI

... PETITIONER/PETITIONER

Vs

UDAYAKUMAR

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order suspending the conviction and sentence imposed on the petitioner/accused by order dt.9/3/2016 passed in Summary Trial Case in S.T.C.No.355/2014 on the file of the Judicial Magistrate Court, Paramakudi confirmed by order dt.27/10/2022 passed in the Criminal Appeal in C.A.No.2 of 2017 on the file of the Additional District and Sessions Court, Paramakudi and enlarge the petitioner on bail pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD) . 81/ 2023 :

To call for the records and set aside the order dt./27/10/2022 passed in Criminal Appeal in CA.No.2/2017 on the file of the Additional District and Sessions Court, Paramakudi confirming the order dt.9/3/2016 passed in STC No.355/2014 on the file of the Judicial Magistrate Court, Paramakudi and thus allow this 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.JEYAPALAM T R, 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 Additional District and Sessions Judge, Paramakudi, in C.A.No.2 of 2017, dated 27.10.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Paramakudi, in S.T.C.No.355 of 2014 dated 09.03.2016, 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 Instrument Act and sentenced to undergo nine months S.I., and to pay compensation of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) in default to undergo two months of S.I. The appellate Court has confirmed the judgment of trial Court.

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3. The learned counsel appearing for the petitioner submitted that the revision case is preferred on the ground that there was material alteration in the disputed cheque and the capacity of the complainant to lend the money was also not taken into account either by the trial Court or by the appellate Court.

4. Considering the submission of the learned counsel for the petitioner, 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 learned Judicial Magistrate, Paramakudi, 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/-

23/01/2023

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24/01/2023

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANTHAPURAM DISTRICT.

3 THE ADDITIONAL DISTRICT & SESSIONS JUDGE, PARAMAKUDI.

+1. C.C. to M/S.JEYAPALAM T R Advocate SR.No.1019

ORDER IN

CRL MP(MD) No.1046 of 2023
IN

CRL RC(MD) No.81 of 2023

Date :23/01/2023

SA/SSS/SAR. /24.01.2023/2P/5C

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