



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

Tuesday, the Tenth day of January Two Thousand and Twenty Three

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

CRL MP(MD) No.480 of 2023  
IN  
CRL RC(MD) No.30 of 2023

MAITHILI

... PETITIONER/APPELLANT/ACCUSED

Vs

V.GANAPATHY

... 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 imposed on the Petitioner in CA.No.68 of 2017 on the file of the Learned Additional District Sessions Judge (Fast Track), Nagercoil, Kanyakumari District dated.21.11.2022 confirmed in CC.No.177 of 2014 on the file of learned Judicial Magistrate No.II, Nagercoil, Kaniyakumari District dated 03.05.2017.

**PRAYER IN CRL RC(MD) No.30 of 2023 :**

Pleased to call for the records and set aside the judgment passed in CC No.177 of 2014 the learned Judicial Magistrate No.II, Nagercoil, Kaniyakumari District dated 03.05.2017 confirmed in CA No.68 of 2017 and the learned Additional District Sessions Judge (Fast Track) Nagercoil, Kaniyakumari District, confirmed the same by this judgment dated 21.11.2022 and 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 MR.G.THALAIMUTHARASU, Advocate for the petitioner, while admitting the Crl.RC., 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, (Fast Track Court), Nagercoil, Kaniyakumari District, in Crl.A.No.68 of 2017 dated 21.11.2022 in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, (Fast Track Court/Magisterial Level), Nagercoil, Kaniyakumari District, in C.C.No.177 of 2014 dated 03.05.2017, 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 sections 138 and 142 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment. The appellate Court has confirmed the conviction and sentence passed by the trial Court and dismissed the appeal.

3.The learned counsel appearing for the petitioner submitted that the disputed cheque has been issued for the security purpose for a loan that has been obtained by the petitioner. Even after settling the loan amount the cheque was not returned to the revision petitioner. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. He would further submit that the petitioner is ready to deposit 25% of the cheque amount before the trial Court.

4.This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

5.In view of the undertaking given by the learned counsel for the petitioner, this Court is inclined to allow this petition.

6.Accordingly, the suspension of sentence petition is allowed and the petitioner is directed to deposit 25% of the cheque amount before the trial Court. On such deposit being made, 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 No.II, (Fast Track Court/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/-  
10/01/2023

/ TRUE COPY /

11/01/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TM

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



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT),  
NAGERCOIL, KANNIYAKUMARI DISTRICT.
2. THE JUDICIAL MAGISTRATE NO.II,  
(FAST TRACK COURT/MAGISTERIAL LEVEL),  
NAGERCOIL, KANNIYAKUMARI DISTRICT.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

ORDER  
IN  
CRL MP(MD) No.480 of 2023  
IN  
CRL RC(MD) No.30 of 2023  
Date :10/01/2023

USK/SSS/SAR- /11.01.2023/3P/4C