



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

Friday, the Twentieth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.977 of 2023
IN CRL RC(MD).70 OF 2023

S.S.N.CHOKKALINGAM

... PETITIONER/APPELLANT/
RESPONDENT/ACCUSED

Vs

DHINAKARAN

... RESPONDENT/RESPONDENT/
APPELLANT/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 execution of the Sentence imposed by Additional District Judge(FTC), Tenkasi in Crl.A.No.97/2019 order dated 08.12.2022 confirming the Trial Court judgment dated 07.08.2019 in S.T.C.No.178/2017 on the file of Judicial Magistrate Court, Alangulam.

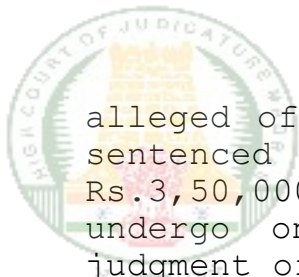
Prayer in CRL RC(MD). 70/ 2023 :

To set aside the order dated 08.12.2022 Crl.A.No.97/2019 on the file of Additional District Judge(FTC), Tenkasi, confirming the judgment dated 07.08.2019 in S.T.C.No.178/2017 on the file of Judicial Magistrate Court, Alangulam and to allow the above Criminal Revision.

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.PRAVEENNATH S, 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 Judge (FTC), Tenkasi, in Crl.A.No.97 of 2019, dated 08.12.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Alangulam, in S.T.C.No.178 of 2017 dated 07.08.2019, 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 6 months S.I., and to pay compensation of Rs.3,50,000/- to the respondent within one month, in default to undergo one month 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 originally the respondent has filed the complaint before the Deputy Superintendent of Police, Alangulam, during the course of enquiry, under force, the disputed cheque has obtained. Even though such plea has been taken by the revision petitioner that was not considered properly 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 Judicial Magistrate, Alangulam, 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/-
20/01/2023

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20/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, ALANGULAM.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC), TENKASI.

+1 CC to M/s. PRAVEENNATH S, Advocate (SR-862[I] dated 20/01/2023)

ORDER

IN

CRL MP(MD) No.977 of 2023

IN CRL RC(MD).70 OF 2023

Date : 20/01/2023

TR/VR(20.01.2023) 2P 5C