



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

Monday, the Tenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL MP(MD) No.7331 and 9888 of 2023

IN

CRL RC(MD) No.504 of 2023

C.JANCY

... PETITIONER/PETITIONER
IN BOTH CRL MP's

Vs

A.JOHN EDWARD

... RESPONDENT/RESPONDENT
IN BOTH CRL MP's

Prayer in CRL MP(MD).7331/2023 :

To suspend the substantive sentence imposed on the petitioner by the Judgment dated 26.08.2022 passed in Crl A No.32/2020 on the file of the First Additional District and Sessions Judge (PCR), Tiruchirappalli confirming the Judgment dated 28.01.2020 in C.C.No.101 of 2014 on the file of the Judicial Magistrate No.IV, Tiruchirappalli pending disposal of the Criminal Revision Petition.

Prayer in CRL MP(MD). 9888/ 2023 :

To exempt the Revision Petitioner to surrender before the court to take the judgment dt.26.8.2022 passed in Crl.A.No.32 of 2020 on the file of the I-Additional District and Sessions Judge(PCR), Tiruchirappalli confirming the Judgment dt.28.1.2020 in C.C.No.101 of 2014 on the file of the Judicial Magistrate No.IV, Tiruchirappalli.

Prayer in CRL RC(MD).504/2023 :

To call for the records and set aside the Judgment dated 26.08.2022 passed in Crl A No.32/2020 on the file of the 1st Additional District and Sessions Judge(PCR), Tiruchirappalli confirming the conviction and sentence by Judgment dated 28.01.2020 passed in C.C.No.101 of 2014 on the file of the Judicial Magistrate No.IV, Tiruchirappalli.

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.PRABHU RAJADURAI.G, Advocate for the petitioner in both CRL MP's and of MR.S.SUKUMAR, Advocate on behalf of the Respondent in both CRL MP's, while admitting the Criminal Revision Case, the court made the following order:-



This petition is filed to suspend the sentence imposed on the learned Additional District and Sessions Judge (PCR), Thiruchirappalli, in Crl.A.No.32 of 2020, dated 26.08.2022 in confirming the conviction and sentence imposed by learned Judicial Magistrate No.IV, Tiruchirappalli, in C.C.No.101 of 2014, dated 28.01.2020 pending disposal of the Criminal Revision.

2. The learned counsel appearing for the petitioner submitted that the petitioner herein found guilty for the offence under Section 138 of Negotiable Instruments Act and he is convicted as per Section 255(2) Cr.P.C., and sentenced to pay a fine of Rs.25,00,000/- to the complainant and in default of fine amount paid, sentenced to undergo Simple Imprisonment for three months and ordered that the fine amount is ordered to be paid as compensation to the complainant under Section 357(1) Cr.P.C.,

3. The learned counsel appearing for the petitioner submitted that there are some arguable points involved in this revision. He further submitted that the petitioner has already deposited a sum of Rs.5,00,000/- at the time of suspension of sentence granted by the appellate Court and now, he is ready to deposit a further sum of Rs.2,00,000/- before the court below in order to show his bonafide.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record and inclined to grant suspension of sentence.

5. Accordingly, the suspension of sentence petition is allowed on the following conditions:

(i) the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs) of the cheque amount before the Court concerned within a period of four weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, 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 No.IV, Tiruchirappalli;

(iii) the petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English Calendar month at 10.30 a.m. pending revision; and

(iv) the learned trial Judge is hereby directed to deposit the total amount of Rs.7,00,000/- (Seven Lakhs only) in any one of the Nationalized Banks in interest bearing account.



CRL MP(MD)



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6.The petitioner is exempted from surrendering before Court for furnishing the sureties.

Post the matter for reporting compliance on 10.08.2023.

sd/-

10/07/2023

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/ TRUE COPY /

11/07/2023

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

trp

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR), TRICHY.

2 THE JUDICIAL MAGISTRATE NO.IV, TRICHY.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-10484[I] dated 11/07/2023)

ORDER

IN

CRL MP(MD) No.7331 and 9888 of 2023

IN

CRL RC(MD) No.504 of 2023

Date :10/07/2023

RS/BUC/SAR-(11.07.2023) 3P 5C