WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Twenty First day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.3012 of 2023
IN
CRL RC(MD) No.211 of 2023

CHANDRAN ... REVISION PETITIONER/APPELLANT/ ACCUSED
Vs
NAGARAJAN ... 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 judgment of conviction and sentence dated 08.12.2022 in Crl A No. 51 of 2015 on the file of the Additional District Sessions Judge (Fast Track), Nagercoil, confirming the same by the judgment of conviction and sentence dated 24.08.15 in STC No. 89 of 2014 on the file of the Learned Judicial Magistrate (Fast Track) No.I, Nagercoil pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 211/ 2023 :
To call for the records relating to the judgement of conviction and sentence dated 08.12.2022 in Crl A No. 51 of 2015 on the file of the Additional District Sessions Judge (Fast Track), Nagercoil, confirming the same by the judgment of conviction and sentence dated 24.08.2015 in STC No. 89 of 2014 on the file of the Learned Judicial Magistrate (Fast Track) No.I, Nagercoil and set aside the same.

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.SANKAR.M, Advocate for the petitioner, the court made the following order:-

This petition is filed to suspend the sentence passed in S.T.C.No.89 of 2014, dated 24.08.2015 on the file of the learned Judicial Magistrate(Fast Track) No.I, Nagercoil, confirmed in Crl.A.No.51 of 2015, dated 08.12.2022 on the file of the learned Additional District and Sessions Judge(Fast Track), Nagercoil, pending disposal of the Criminal Revision Case.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of 6 months and also awarded compensation a sum of Rs.1,35,000/-. Aggrieved by the same, the

https://www.mhc.tn.gov.in/judis

WEB COPY

petitioner has preferred an appeal in Crl.A.No.51 of 2015 before the Additional District and Sessions Judge(Fast Track), Nagercoil, and the same was dismissed by confirming the judgment in S.T.C.No.89 of 2014 dated 24.08.2015. Hence, the petitioner seeks suspension of sentence.

3.The learned counsel appearing for the petitioner would submit that at the time of moving the private complaint, some material alteration has been made by the respondent that was not properly considered by trial Court as well as the appellate Court.

4.In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute 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(Fast Track)No.I, Nagercoil, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-
21/02/2023

/ TRUE COPY /

21/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO
1 THE ADDITIONAL DISTRICT
SESSIONS JUDGE, (FAST TRACK)NAGERCOIL.

2 THE JUDICIAL MAGISTRATE,(FAST TRACK) NO.I, NAGERCOIL

3 DO THROUGH:THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

4 THE SUPERINTENDENT,CENTRAL PRISON, PALAYAMKOTTAI.
+1 CC to M/s.M.SHANKAR, Advocate (SR-2586[I] dated 21/02/2023)

ORDER
IN
CRL MP(MD) No.3012 of 2023
IN
CRL RC(MD) No.211 of 2023
Date :21/02/2023

PKP/SBN/SAR- /21.02.2023/3P/6C

https://www.hmc.tn.gov.in/bom