



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

Wednesday, the Eighth day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1641 of 2023
IN
CRL RC(MD) No.112 of 2023

GANESHKUMAR

... PETITIONER

Vs

1 PHILIPOSE

2 THE STATE REP.BY
PUBLIC PROSECUTOR
NAGERCOIL.

... RESPONDENTS

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 made in CC.No.43 of 2013 dt.11.3.2017 on the file of the Fast Track Court(Magisterial Level)No.I, Nagercoil and as confirmed by judgment dt.19.10.2022 made in CA.No.53 of 2017 on the file of the Additional Sessions Judge, Nagercoil pending disposal of the above Criminal Revision.

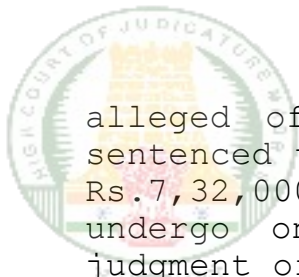
Prayer in CRL RC(MD) . 112/ 2023 :

To call for the records relating to the Judgment dt.11.3.2017 made in CC.No.43 of 2013 on the file of the Fast Track Court (Magisterial Level)No.I, Nagercoil and as confirmed by judgment dt.19.10.2022 made in CA.No.53 of 2017 on the file of the Additional Sessions Judge, 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.RUSSEL RAJ.R., Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(crl.side) on behalf of the 2nd Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Court of the learned Additional Sessions Judge, Nagercoil, in C.A.No.53 of 2017, dated 19.10.2022, in confirming the conviction and sentence imposed by the Fast Track Court (Magisterial Level) No.I, Nagercoil, in C.C.No.43 of 2013 dated 11.03.2017, 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 Section 138 of Negotiable Instrument Act, 1881, sentenced to undergo six months SI and to pay compensation amount of Rs.7,32,000- to the complainant within two months, 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 the complainant/ 1st respondent was working as an employee in the petitioner's hotel and he has stolen the cheque leaf which belongs to the revision petitioner, the same was misused and foisted the above said case that was not considered 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 Fast Track Court (Magisterial Level) No.I, 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/-

08/02/2023

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08/02/2023

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

INDU

TO

1 THE FAST TRACK JUDGE (MAGISTERIAL LEVEL) NO.I, NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE ADDITIONAL SESSIONS JUDGE, NAGERCOIL.

4 THE PUBLIC PROSECUTOR, NAGERCOIL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.RUSSEL RAJ R Advocate SR.No.1968

ORDER IN

CRL MP(MD) No.1641 of 2023

IN CRL RC(MD) No.112 of 2023

Date :08/02/2023