



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

Friday, the Third day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1942 of 2023

IN

CRL RC(MD) No.133 of 2023

AMALORPAVAM

... PETITIONER/PETITIONER
/REVISION PETITIONER

Vs

KRISHNAKUMAR

... RESPONDENT/RESPONDENT

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 sentence imposed in CA.No.71 of 2016 by the Learned Additional District and Sessions Judge(Fast Track), Nagercoil dt.4.1.2023 which is confirmed by the Judgment of the Judicial Magistrate (Fast Track No.1),Nagercoil in CC.No.41 of 2013 dt.18.10.2016.

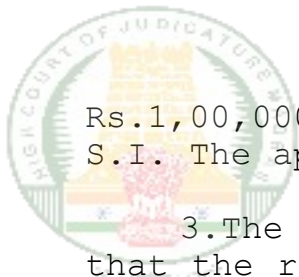
Prayer in CRL RC(MD).133/2023 :

To take this Revision on file, call for the records from the court below, set aside the conviction of sentence imposed in CA No.71 of 2016 by the learned Additional District and Sessions Judge, (Fast Track), Nagercoil, dated 04.01.2023 which is confirmed by the Judgment of the Judicial Magistrate Fast Track No.1, Nagercoil, in C.C.No.41 of 2013 dated 18.10.2016, till the disposal of the 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 M/S.KARTHIKEYAN S, Advocate for the petitioner, while admitting the CRL RC., the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Court of the learned Additional District and Sessions Judge (Fast Track), Nagercoil, in C.A.No.71 of 2016, dated 04.01.2023, in confirming the conviction and sentence imposed by the learned Judicial Magistrate Fast Track No.1, Nagercoil, in C.C.No.41 of 2013 dated 18.10.2016, 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 six months S.I., and to deposit cheque amount of



Rs.1,00,000/- within two months, in default to undergo c S.I. The appellate Court has confirmed the judgment of trial Court.

3.The learned counsel appearing for the petitioner submitted that the revision case is preferred on the ground that signature is denied by the revision petitioner that was not taken care either by the trial Court or by the appellate Court and apart from that statutory notice was also not proper.

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 learned Judicial Magistrate Fast Track No.1, 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/-

03/02/2023

/ TRUE COPY /

06/02/2023

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

indu

TO

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

2 THE JUDICIAL MAGISTRATE, FAST TRACK NO.1, NAGERCOIL.

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

+1 CC to M/s.S.KARTHIKEYAN, Advocate (SR-1784[I] dated 03/02/2023)

ORDER

IN

CRL MP(MD) No.1942 of 2023

IN

CRL RC(MD) No.133 of 2023

Date :03/02/2023

RS/SSS/SAR.(06.02.2023) 2P-5C