



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of January Two Thousand and
Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.1166 of 2023

IN

CRL RC(MD) No.89 of 2023

THIRUPAHTY AGENCY
REP BY PROPRIETOR,
BHARATHIRAJA

... PETITIONER/APPELLANT

Vs

M/S.THANYAKALA CHITS
REP BY PROPRIETOR,
SARAVANA ANANTHAN

... 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 sentence imposed in CA.33 of 2022 on the file of the II Additional District and Sessions Court, Thanjavur dated 14.10.2022 conforming the conviction and sentence of one year simple imprisonment compensation Rs.400000/- in default one month simple imprisonment by the judgment dated 02.05.2022 in S.T.C.No.151 of 2020 on the file of the Judicial Magistrate (FTC), Thanjavur and grant bail to the petitioner pending Criminal Revision Petition.

Prayer in CRL RC(MD) . 89/ 2023 :

To call for records in CA.33 of 2022 on the file of the II Additional District and Sessions Court, Thanjavur dated 14.10.2022 conforming the conviction and sentence of one year simple imprisonment and compensation Rs.400000/- in default one month simple imprisonment by the judgment dated 02.05.2022 in S.T.C.No.151 of 2020 on the file of the Judicial Magistrate (FTC), Thanjavur and set aside the same and acquit the accused.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the

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arguments of M/S.JEGADEESWARAN.R, Advocate for the petitioner, the court made the following order:-

This petition is filed to suspend the sentence and conviction passed in S.T.C.No.151 of 2020, dated 02.05.2022 on the file of the Judicial Magistrate(FTC), Thanjavur and the same was confirmed in C.A.No.33 of 2022, dated 14.10.2022 on the file of the II Additional District and Sessions Court, Thanjavur, 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 Instruments Act and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a sum of Rs.4,00,000/-(Rupees Four Lakhs Only) as compensation in default to undergo one month simple imprisonment in S.T.C.No.151 of 2020 on the file of the learned Judicial Magistrate (FTC), Thanjavur and the same was confirmed by learned II Additional District and Sessions Court, Thanjavur, in C.A.No.33 of 2022, dated 14.10.2022.

3. He would further submit that the trial Court as well as the appellate Court passed the judgment of conviction and sentence, in the appellate Court without the presence of the petitioner, it was disposed of.

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 Judicial Magistrate(Fast Track), Thanjavur, 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/-

24/01/2023

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/02/2023

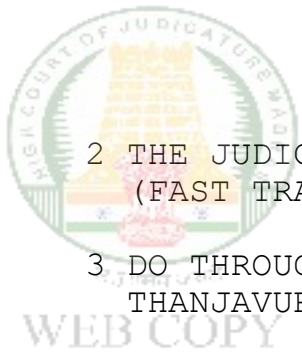
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1 THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR.

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2 THE JUDICIAL MAGISTRATE
(FAST TRACK COURT), THANJAVUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

+1. C.C. to M/S.JEGADEESWARAN.R Advocate SR.No.1255

ORDER

IN

CRL MP(MD) No.1166 of 2023
IN

CRL RC(MD) No.89 of 2023

Date :24/01/2023

SA/SSS/SAR.4/06.02.2023/3P/5C