



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

Monday, the Sixth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1937 of 2023

IN

CRL RC(MD) No.132 of 2023

G.MANIKANDAN

... PETITIONER/PETITIONER

Vs

1 GOPI

2 State Rep.by
THE ADDITIONAL PUBLIC PROSECUTOR,
NAGERCOIL.

... RESPONDENTS/RESPONDENTS

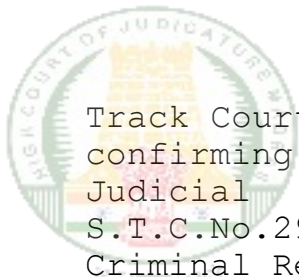
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the Petitioner/Petitioner on bail suspending the sentence imposed upon him by judgment in CA.No.75 of 2017 dt.8.12.2022 on the file of the Additional District and Sessions Court (Fast Track), Nagercoil, confirming the judgment passed by the Fast Track Court (Magisterial Level), No.1, Nagercoil in S.T.C.No.292 of 2015 dated 29.04.2017 to undergo one year simple imprisonment pending disposal of CRL RC.

Prayer in CRL RC(MD). 132/ 2023 :

To call for the entire records relating to the judgment passed in CA.No.75 of 2017 dt.8.12.2022 on the file of the Additional District and Sessions Court(Fast Track), Nagercoil, confirming the judgment passed by the Fast Track Court(Magisterial Level)No.I, Nagercoil in S.T.C.No.292 of 2015 dated 29.04.2017 convicting the petitioner to undergo one year simple imprisonment and to pay a compensation of Rs.9,50,000/- 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.PERUMAL C.T, Advocate for the petitioner and of MR.R.SURESH KUMAR, Government Advocate (Crl.Side) on behalf of the 2nd Respondent, while admitting the CRL RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Additional District and Sessions Judge, Fast



Track Court, Nagercoil, in CrI.A.No.75 of 2017, dated 08.12.2017, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court No.I, Nagercoil, in S.T.C.No.292 of 2015, dated 29.04.2017, pending disposal of the Criminal Revision.

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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 one year simple imprisonment and to pay compensation of Rs.9,50,000/- within two months from the date of the judgment, in default to undergo further period of two months simple imprisonment. The appellate Court has confirmed the conviction and sentence imposed by the trial Court.

3.The learned counsel appearing for the petitioner submitted that on the date of judgment a compromise was reached between the parties and both the parties appeared before the trial Court, but the trial Court has not accepting the same, since it was posted for judgment. Even now they are ready to appear before this Court for recording the settlement.

4.Considering the submission made by the learned counsel for the petitioner as compromise was reached between the parties, this Court is inclined to grant suspension of sentence to the petitioner.

5.Accordingly, 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 Judicial Magistrate, Fast Track Court No.1, Magisterial Level, Nagercoil and on further condition that the petitioner along with defacto complainant shall appear before this Court on 20.02.2023.

sd/-
06/02/2023

/ TRUE COPY /

/02/2023

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

TM

TO

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

2 THE JUDICIAL MAGISTRATE, FAST TRACK COURT NO.1,
MAGISTERIAL LEVEL, NAGERCOIL.

<https://www.madrashighcourt.org>



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

4 THE ADDITIONAL PUBLIC PROSECUTOR,
NAGERCOIL.

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

ORDER
IN
CRL MP(MD) No.1937 of 2023
IN
CRL RC(MD) No.132 of 2023
Date :06/02/2023

RS/VR/SAR.4(10.02.2023) 3P-6C