



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.M.P. (MD) No.2013 of 2023
in
CRL.R.C. (MD) No.142 of 2023

SUMITHRA

... PETITIONER/PETITIONER

Vs

1 C.ANAND

2 THE STATE OF TAMIL NADU
REP. BY THE 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 suspend the sentence imposed in STC no.687/2014 dt.18/4/2018 on the files of Judicial Magistrate No.I, Kuzhithurai and confirmed the same in Crl.A.No.68/2018 dt.1/12/2018 on the file of the Additional Sessions Court, Kuzhithurai pending disposal of this Criminal Revision.

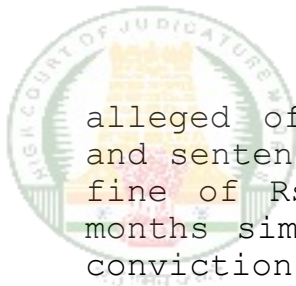
Prayer in CRL RC(MD). 142/ 2023 :

To call for the records and set aside the order in Crl.A.No.68/2018 dt.1/12/2018 on the files of the Additional Sessions Court, Kuzhithurai confirming the order passed in STC No.687/2014 on the file of Judicial Magistrate No.I, Kuzhithurai.

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.HEROLD SINGH.S.C, Advocate for the petitioner and of MR.R.SURESH KUMAR, Government Advocate (Criminal Side) on behalf of the 2nd Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Additional District Judge, Kuzhithurai, in Crl.A.No.68 of 2018, dated 01.12.2018, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Kuzhithurai, in S.T.C.No.687 of 2014 dated 18.04.2018, 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, 1881, and sentenced him to undergo one year simple imprisonment and to pay fine of Rs.5,000/- in default to undergo further period of three months simple imprisonment. The appellate Court has confirmed the conviction and sentence imposed by the trial Court.

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3.The learned counsel appearing for the petitioner submitted that after said judgment a compromise has been reached between the parties, by which, the amount was settled at Rs.3,00,000/-. Out of the above said Rs.3,00,000/-, Rs.2,00,000/- was paid on the date of agreement itself. The remaining amount to be paid on or before 16.04.2023.

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 No.I, Kuzhithurai.

sd/-

06/02/2023

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/02/2023

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

TM

TO

1 THE ADDITIONAL SESSIONS JUDGE, KUZHITHURAI.

2 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

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

4 THE PUBLIC PROSECUTOR, NAGERCOIL.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-1872[I] dated 06/02/2023
ORDER
IN
CRL.M.P. (MD) No.2013 of 2023
in
CRL.R.C. (MD) No.142 of 2023
Date :06/02/2023