



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2064 of 2023

IN

CRL RC(MD) No.146 of 2023

S.ANTO MORAISE

... PETITIONER/PETITIONER

Vs

MARY ANITHA

... RESPONDENT/RESPONDENT

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 on bail by Suspending the sentence imposed in CA.No.48 of 2015 on the file of the Learned Additional Sessions Judge, Kuzhithurai dt 09.01.2023 confirming the judgment of conviction and sentence made in STC.No.186 of 2013 on the file of Learned Judicial Magistrate No.II, Kuzhithurai dated 02.09.2015.

Prayer in CRL RC(MD). 146/ 2023 :

To call for the records and set aside the judgment made in judgment made in C.A.No.48 of 2015 by the file Learned Additional Sessions Judge, Kuzhithurai dated 09.01.2023 confirming the judgment of conviction and sentence made in STC.No.186 of 2013 by the file of Learned Judicial Magistrate No.II, Kuzhithurai dt 02.09.2015.

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.SENTHIL M.P., Advocate for the petitioner, the court made the following order:-

This petition is filed to suspend the sentence passed in S.T.C.No.186 of 2013, dated 02.09.2015 on the file of the learned Judicial Magistrate No.II, Kuzhithurai and the same was confirmed in C.A.No.48 of 2015, dated 09.01.2023 on the file of the learned Additional Sessions Judge, Kuzhithurai, pending disposal of the Criminal Revision Case.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced to undergo



simple imprisonment for a period of one year and also compensation a sum of Rs.8,50,000/- in default to undergo further simple imprisonment for two months. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.48 of 2015, before the learned Additional Sessions Judge, Kuzhithurai and the same was dismissed by confirming the judgment in S.T.C.No.186 of 2013 dated 02.09.2015. Hence, the petitioner seeks suspension of sentence.

3.The learned counsel for the petitioner submitted that the petitioner did not enter into the witness box and depose the same was not either considered by the trial Court or by the appellate Court. He further submitted that he has already deposited Rs.2,00,000/- (Rupees Two Laks only) before the trial Court.

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 learned Judicial Magistrate No.II, Kuzhithurai, 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/-

08/02/2023

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/03/2023

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

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TO

- 1 THE ADDITIONAL SESSIONS JUDGE, KUZHITHURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-2030[I] dated 09/02/2023)

ORDER IN
CRL MP(MD) No.2064 of 2023
IN CRL RC(MD) No.146 of 2023
Date :08/02/2023