



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.2865 of 2023
in Crl.R.C.(MD).No.200 of 2023

LAKSHMI

... PETITIONER/REVISION PETITIONER/
APPELLANT/ACCUSED

Vs

V.MUTHU

... RESPONDENT/RESPONDENT/RESPONDENT/
COMPLAINANT

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 against the petitioner in Criminal Appeal No.87 of 2019 dated 23.11.2022 on the file of the Honble The III Additional District Court, Thanjavur at Pattukottai, in S.T.C.No.27 of 2019 dated 17.06.2019 on the file of the Judicial Magistrate Court (FTC), Pattukottai, Thanjavur District and release the petitioner till the disposal of the main appeal.

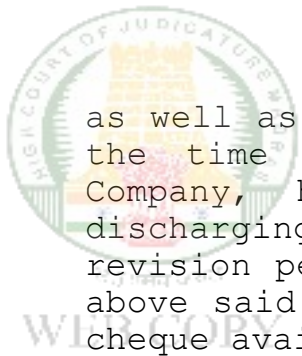
Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.EZHILARASU, Advocate for M/S.ABDUL RAHUMAN.S, Advocate for the petitioner, while admitting the CRL RC., the court made the following order:-

This petition is filed to suspend the sentence passed in S.T.C.No.27 of 2019, dated 17.06.2019 on the file of the learned Judicial Magistrate (FAC), Pattukottai, Thanjavur District and the same was confirmed in Crl.A.No.87 of 2019, dated 23.11.2022 on the file of the learned III Additional District Court, Thanjavur, Pattukottai, 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 6 months and also awarded compensation a sum of Rs.5,00,000/- in default to undergo further simple imprisonment for one month. Aggrieved by the same, the petitioner has preferred an appeal in Crl.A.No.87 of 2019, before the III Additional District Court, Thanjavur at Pattukottai and the same was dismissed by confirming the judgment in S.T.C.No.27 of 2019 dated 17.06.2019. Hence, the petitioner seeks suspension of

<https://www.mca.gov.in/judis>

3.The learned counsel for the petitioner submitted that the petitioner's defence was not properly considered by the trial Court



as well as the appellate Court. The petitioner's defence is at the time of borrowing the loan amount from one Jeyam Finance Company, he issued two cheques as security purpose. After discharging the above said loan, one cheque was returned to the revision petitioner and another cheque was not returned. Later, the above said Finance Company's owner died and by misusing the another cheque available in the office, the present complaint was filed.

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 Court (FTC), Pattukottai, Thanjavur District 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/-

20/02/2023

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/03/2023

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

TTA

TO

1. THE III ADDITIONAL DISTRICT JUDGE, THANJAVUR AT PATTUKOTTAI.

2 THE JUDICIAL MAGISTRATE COURT (FTC),
PATTUKOTTAI, THANJAVUR DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI. (CALL FOR RECORDS)

+1 CC to M/s.S.ABDUL RAHUMAN, Advocate (SR-2636[I] dated 22/02/2023)

ORDER IN
CRL.M.P.(MD) No.2865 of 2023
in Crl.R.C.(MD).No.200 of 2023
Date :20/02/2023