



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Second day of March Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.3583 of 2023

IN

CRL RC(MD) No.254 of 2023

R.KUMARESAN

... PETITIONER/PETITIONER

Vs

S.MARIAPPAN

... RESPONDENT/RESPONDENT

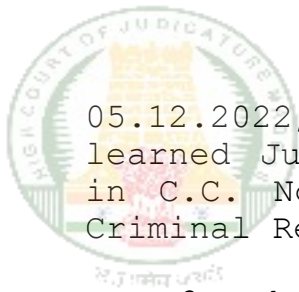
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of imprisonment imposed in Crl.A.No.18 of 2019 on the file of the Learned Principal District and Sessions Judge, Virudhuagar District at Srivilliputhur dt.5.12.2022 by which confirming the judgment and conviction order in C.C.No.70 of 2014 on the file of the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, dated 11.01.2019, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD) . 254/ 2023 :

To call for the records and set aside the Judgment and conviction dt.5.12.2022 made in Crl.A.No.18 of 2019 on the file of the Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur by which confirming the judgment and conviction order in C.C.No.70 of 2014 on the file of the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, dated 11.01.2019, and acquit the petitioner/accused.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.M.ANANTHA MURUGAN, Advocate for Mr.BALAJI.S, Advocate for the petitioner, While admitting the CRL.RC., the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Court of the learned Principal District and Sessions Judge, Virudhunagar District @ Srivilliputhur, in C.A.No.18 of 2019, dated



05.12.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, in C.C. No.70 of 2014 dated 11.01.2019, 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 Instrument Act, sentenced to undergo one year SI and to pay compensation amount of Rs.5,68,000- in default to undergo three months S.I. The appellate Court has confirmed the judgment of trial Court.

3. The learned counsel appearing for the petitioner submitted that the revision case is preferred on the ground that the complainant has not produced any document with regard to prove the factual aspect that the appellant failed to repay the amount legally payable to the complainant, that was also not taken into account either by the trial Court or by the appellate Court. The learned counsel for the petitioner would submit that he is ready to comply any condition that will be ordered by this Court.

4. Considering the submission of the learned counsel for the petitioner, 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 deposit 10% of the arrear amount before the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, and 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 learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

02/03/2023

/ TRUE COPY /

/03/2023

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

INDU

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

2 THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD)



23

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+2. C.C. to Mr.S.M.ANANTHA MURUGAN, Advocate SR.No.3280, 3281

WEB COPY

ORDER

IN

CRL MP (MD) No.3583 of 2023
IN

CRL RC (MD) No.254 of 2023
Date :02/03/2023

SA/BUC/SAR.1/10.03.2023/3P/6C