



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

Thursday, the Ninth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2286 of 2023

IN

CRL RC(MD) No.159 of 2023

RAJAN

... PETITIONER/APPELLANT/ACCUSED

Vs

ASOKAN

... 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 upon the Petitioner in CA.No.28 of 2019 dt.7.12.2022 on the file of Learned Additional District and Sessions Judge, Padmanabhapuram which is confirmed judgement passed in STC.No.176 of 2018 dt.1.2.2019 on the file of the Judicial Magistrate Court No.I, Padmanabhapuram and enlarge to the petitioner on bail pending disposal of above Criminal Revision.

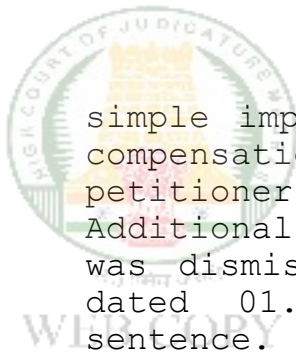
Prayer in CRL RC(MD) . 159/ 2023 :

To call for the records relating to the order passed by the Learned Additional District and Sessions Judge, Padmanabhapuram in CA.No.28 of 2019 dt.7.12.2022 and confirm the judgment in STC.No.176 of 2018 dt.1.2.2019 Learned Judicial Magistrate Court No-I, Padmanabhapuram.

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.M.SURESH BABU, Senior Advocate for Mr.SUSI KUMAR.C., 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.176 of 2018, dated 01.02.2019 on the file of the learned Judicial Magistrate Court No.I, Padmanabhapuram and confirmed in C.A.No.28 of 2019, dated 07.12.2022 on the file of the learned Additional District and Sessions Judge, Padmanabhapuram, 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 three months and also compensation a sum of Rs.50,000/-. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.28 of 2019, before the Additional District and Sessions Judge, Padmanabhapuram and the same was dismissed by confirming the judgment in S.T.C.No.176 of 2018 dated 01.02.2019. Hence, the petitioner seeks suspension of sentence.

3.The learned senior counsel appearing for the petitioner would submit that the petitioner is ready to settle the entire amount and he has also requested the respondent to receive the same.

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 No.I, Padmanabhapuram, 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/-

09/02/2023

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/03/2023

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

TTA

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PADMANABHAPURAM.

2 THE JUDICIAL MAGISTRATE COURT NO.I, PADMANABHAPURAM.

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

+1. C.C. to M/S.SUSI KUMAR C Advocate SR.No.2104

ORDER IN

CRL MP(MD) No.2286 of 2023

IN

CRL RC(MD) No.159 of 2023

Date :09/02/2023

VA/Vs/SAR.2/02.03.2023/2P/5C

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