



WEB COPY

CRL MP(MD)



23

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

Friday, the Tenth day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2431 of 2023

IN

CRL RC(MD) No.170 of 2023

A.FRANCIS

... PETITIONER/REVISION PETITIONER

Vs

M.PRABHAKARAN

... RESPONDENT/REVISION 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 by granting bail in the order passed by the Honble Additional District and Sessions Judge, Padmanabhapuram, Kanniyakumari District in his CA No.115/2008 dated 07/12/2022 in confirming the judgement of the learned Principal District Munsif Cum Judicial Magistrate Court, Eraniel, Kanniyakumar district in C.C.No.215 of 2001 dated 04.08.2008 till the disposal of the criminal revision.

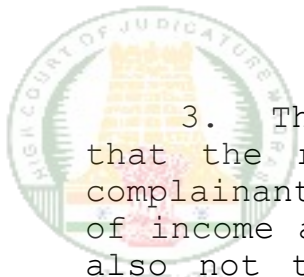
Prayer in CRL RC(MD). 170/ 2023 :

To call for the records from the lower court and duly set aside the order passed by the Honble Additional District and Sessions Judge, Padmanabhapuram, Kanniyakumari District in CA.No.115/2008 dt.7/12/2022 in confirming the judgement of the learned Principal District Munsif Cum Judicial Magistrate Court, Eraniel, Kanniyakumari District in C.C.No.215 of 2001 dated 04.08.2008 by allowing this revision.

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.PRABHU K, 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 Additional District and Sessions Judge, Kuzhithurai, Kanniyakumari District, in C.A.No.115 of 2008, dated 07.12.2022, in confirming the conviction and sentence imposed by the learned Principal District Munsif cum Judicial Magistrate, Eraniel, Kanniyakumari District in C.C. No.215 of 2001 dated 04.08.2008, 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 two year SI and to pay fine of Rs.7,000- in default to undergo six months S.I.



3. The learned counsel appearing for the petitioner ; ed that the revision case is preferred on the ground that the the complainant has not produced any document with regard to his source of income and the capacity of the complainant to lend the money 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 Rs.2,00,000/- before the learned Principal District Munsif cum Judicial Magistrate, Eraniel, Kanniyakumari 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 Principal District Munsif cum Judicial Magistrate, Eraniel, Kanniyakumari 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/-

10/02/2023

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10/02/2023

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

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TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, KUZHITHURAI,
KANYAKUMARI DISTRICT.

2 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-2149[I] dated 10/02/2023)

ORDER IN
CRL MP(MD) No.2431 of 2023
IN
CRL RC(MD) No.170 of 2023
Date :10/02/2023

RS (10.02.2023) 2P-5C

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