



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2675 of 2023

IN

CRL RC(MD) No.188 of 2023

MURUGESAN

... PETITIONER/PETITIONER

Vs

T.SARATHA

... RESPONDENT/RESPONDENT

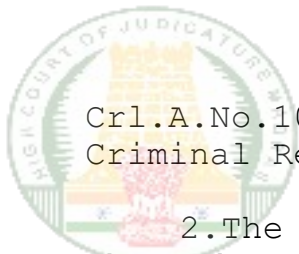
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the order of conviction and sentence of simple imprisonment for a period of one year imposed on the petitioner herein by the judgment made in C.C.No.147/2016 dated 04.08.2018, on the file of the learned Judicial Magistrate Court, Rajapalayam which was confirmed in Crl.A.No:105/2018 dated 18.08.2022 on the file of the Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, and enlarge the petitioner on bail pending disposal of the above Crl.R.C.

Prayer in CRL RC(MD) . 188/ 2023 :

To call for the records to set aside the order passed in C.C.No.147/2016 dated 04.08.2018, on the file of the learned Judicial Magistrate Court, Rajapalayam which was confirmed in Crl.A.No.105/2018 dated 18.08.2022 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur by allowing this Criminal Revision Petition.

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.THIRUNAVUKKARASU.M, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Judicial Magistrate, Rajapalayam, in C.C.No.147 of 2016, dated 04.08.2018, which was confirmed by the learned Principal and Sessions Judge, Virudhunagar at Srivilliputhur, in



CrI.A.No.105 of 2018, dated 18.08.2022, pending disposal 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 Sections 138 and 142 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment. The appellate Court has confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal.

3.The learned counsel appearing for the petitioner submitted that his contention before the trial Court as well as the appellate Court that his cheque was misused after stealing the same and over the above said missing of the cheque, he filed a complaint and paper publication, was not considered. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. However, the petitioner is ready to deposit 20% of the cheque amount before the concerned trial Court.

4.This Court has carefully considered the contentions put forward by the petitioner and also perused the materials available on record. In view of the undertaking given by the petitioner, this Court is inclined to allow this petition.

5.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with condition that the petitioner shall deposit the 20% of the cheque amount before the concerned Court and on such deposit, the petitioner 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 Judicial Magistrate, Rajapalayam 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/-

15/02/2023

/ TRUE COPY /

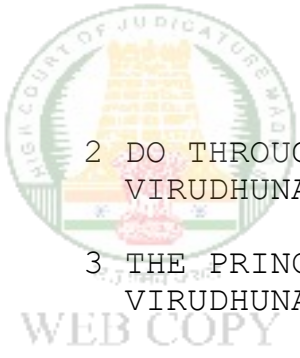
/02/2023

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

TM
TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

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



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

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

+1. C.C. to M/S.THIRUNAVUKKARASU.M Advocate SR.No.2322

ORDER

IN

CRL MP (MD) No.2675 of 2023

IN

CRL RC (MD) No.188 of 2023

Date :15/02/2023

SA/BUC/SAR.2/24.02.2023/3P/5C