



Crl.R.C.(MD).No.228 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.228 of 2023

A.Ramesh

... Petitioner/Sole Accused

Vs.

Kannan

... Respondent/Complainant

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order passed by the learned Principal Sessions Judge, Thanjavur, in Crl.M.P.No.349 of 2023 in C.A.No.21 of 2023, dated 25.01.2023 and set aside the same.

For Petitioner : Mr.R.Maheswaran

ORDER

This criminal revision case has been filed to set aside the order passed by the learned Principal Sessions Judge, Thanjavur, in Crl.M.P.No.349 of 2023 in C.A.No.21 of 2023, dated 25.01.2023.

2.The case of the prosecution is that the petitioner has borrowed a sum of Rs.1,10,000/- from the complainant and assured that he will pay the



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same on two installments. He has also issued two post dated cheques to realize the same. When the above said cheques were presented before the Bank by the complainant, they were returned as insufficient funds. Hence, the complainant filed a private complaint before the learned Judicial Magistrate No.I, Kumbakonam in S.T.C.No.2163 of 2019. After full trial, the learned Judicial Magistrate, found the petitioner guilty for the offence punishable under Section 138 of the Negotiable Instruments Act, convicted him and sentenced to him to undergo two years simple imprisonment and imposed fine of Rs.2,20,000/- in default to undergo further period of three months simple imprisonment.

3.Against which the petitioner filed a criminal appeal in C.A.No.21 of 2023 before the learned Principal District and Sessions Judge, Thanjavur, along with a petition in Crl.M.P.No.349 of 2023, seeking suspension of sentence. The above said petition was dismissed by the appellate Court on the ground that there is no representation for the petitioner on that day and the petitioner has not paid the fine amount. Against which, this criminal revision case has been preferred by the petitioner.



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4.The learned counsel for the petitioner before this Court would submit that the petitioner is ready to deposit 20% of the cheque amount before the trial Court.

5.Accordingly, the this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal before the appellate Court 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 learned Judicial Magistrate No.I, Kumbakonam 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 appeal.

24.02.2023

Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal District and Sessions Judge, Thanjavur.
- 2.The Judicial Magistrate No.I, Kumbakonam.



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G.ILANGOVAN,J.

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