



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.3485 of 2023

IN

CRL RC(MD) No.250 of 2023

J.EBANEZER

... PETITIONER/PETITIONER

Vs

1 L.ROBIN KISHORE

2 STATE OF TAMIL NADU,
PUBLIC PROSECUTOR
NEGERCOIL

... RESPONDENTS/RESPONDENTS

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 by the judgment dated 20.01.2023 passed in CA.No.54 of 2017 on the file of the Additional Sessions Court (Fast Track)Kanyakumari District Nagercoil confirming the judgment dated 23.03.2017 passed in STC No.349 of 2014 on the file of the Fast Track Court (Magistrate Level) No.I, Nagercoil, and enlarge the petitioner on bail pending disposal of the main criminal revision petition.

Prayer in CRL RC(MD) . 250/ 2023 :

To call for the records and set aside the judgment dated 20.01.2023 passed in CA.No.54 of 2017 on the file of the Additional Sessions Court (Fast Track) Kanyakumari District at Nagercoil confirming the conviction and sentence to undergo simple imprisonment for six months u/s.138 of negotiable Instruments Act and to pay a compensation of Rs.10,00,000/- the cheque amount in default to undergo further simple imprisonment for one month by the judgment dated 23.03.2017 passed in S.T.C.No.349 of 2014 on the Fast Track Court (Magistrate Level) No.I, Nagercoil.

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.VASHIK ALI, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(crl.side) on behalf of the 2nd Respondent, the court made the following order:-



This petition is filed to suspend the sentence imposed by the Court of the learned Additional Sessions Judge, (Fast Track Court), Kanyakumari District, Nagercoil, in C.A.No.54 of 2017, dated 20.01.2023, in confirming the conviction and sentence imposed by the Fast Track Court (Magistrate Level) No.1, Nagercoil, in S.T.C.No.349 of 2014 dated 23.03.2017, 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 him to undergo six months SI and to pay compensation amount of Rs.10,00,000/- to the complainant within two months, in default undergo one month 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 statutory notice was not properly sent, since the cheque number is different, that was also not taken into account either by the trial Court or by the appellate Court.

4. Based on the undertaking given by 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 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 Fast Track Court (Magistrate Level) No.1, Nagercoil, 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

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/03/2023

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

INDU

TO

1 THE ADDITIONAL SESSIONS JUDGE (FAST TRACK),
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 THE FAST TRACK JUDGE
(MAGISTRATE LEVEL) NO.I, NAGERCOIL.

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



4 THE PUBLIC PROSECUTOR
NEGERCOIL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.MURUGAN.R Advocate SR.No.3204

ORDER

IN

CRL MP (MD) No.3485 of 2023

IN

CRL RC (MD) No.250 of 2023

Date :02/03/2023

SA/SBN/SAR.3/07.03.2023/3P/7C