



CRL MP(MD) No.10077 of 2023

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

Friday, the Fourteenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL MP(MD) No.10077 of 2023

IN

CRL RC(MD) No.723 of 2023

N.BASKER

... PETITIONER/PETITIONER

Vs

A.NALLASIVAM

... RESPONDENT/RESPONDENT

Criminal Miscellaneous 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 of Imprisonment imposed against the Petitioner by the Learned Principal District and Sessions Court, Karur made in Criminal Appeal No.56/2022, dated 27.03.2023 by confirming the Judgment of conviction and sentence passed by the Learned Fast Track Court Judicial Magistrate (At Magisterial Level), Karur made in C.C.No.938 of 2017, dated 23.04.2022 and enlarge the Petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL RC(MD). 723/ 2023 :

Criminal Revision Case To call for the entire records relating to the impugned judgment or conviction and sentence passed against the petitioner by the learned Principal district and sessions Court,Karur made Criminal Appeal No.56 of 2022, dated 27.03.2023 by confirming the Judgment of conviction and sentence passed by the Learned Fast Track Court Judicial (At Magisterial Level), Karur made in C.C.No.938 of 2017, dated 23.04.2022 in convicting the Petitionr for the alleged offence under Section 138 r/w 142 of Negotiable Instrument Act, and sentenced to undergo simple Imprisonment for two years and also directed to pay a sum of Rs.14,00,000/- to the Respondent as a compensation amount under Section 357 of

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



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Crl.PC and set-aside the Judgment of the Courts below and acquit the Petitioner by allowing the present Criminal Revision Petition.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.THANGAPANDIAN R, Advocate for the petitioner, While admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed by the learned Principal District and Sessions Judge, Karur, in C.A.No.56 of 2022, dated 27.03.2023, in confirming the conviction and sentence imposed by learned Fast Track Court Judicial Magistrate (At Magisterial Level), Karur in C.C.No.938 of 2017, dated 23.04.2022, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner herein convicted for the offence under Section 138 r/w. 142 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for two years and also directed to pay a sum of Rs.14,00,000/- to the respondent as compensation.

3. The learned counsel appearing for the petitioner submitted that there are some arguable points involved in this revision and the petitioner is ready to deposit 25% of cheque amount before the Court concerned.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record. It is a specific case of the petitioner that the cheque was not issued to the respondent. The respondent



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has no means to pay the cheque amount of Rs.14,00,000/-. On the date of issuance of the cheque, the petitioner is not available in the place of issuance. Considering the above said fact, this Court is inclined to grant suspension of sentence.

5. Accordingly, the suspension of sentence petition is allowed on the following conditions:

(i) the petitioner is directed to deposit 25% of the cheque amount before the Court concerned within a period of four weeks from the date of receipt of a copy of this order, failing which, the sentence suspended shall automatically dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) 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 Fast Track Court Judicial Magistrate (At Magisterial Level), Karur;

(iii) the petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English Calender month at 10.30 a.m. pending revision; and

(iv) the learned trial Judge is hereby directed to deposit the said amount in any one of the Nationalized Banks in interest bearing account.



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Post the matter for reporting compliance on 14.08.2023.

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sd/-
14/07/2023

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/08/2023

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

TRP

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KARUR.

2 THE FAST TRACK JUDGE JUDICIAL MAGISTRATE(AT MAGISTERIAL LEVEL),
KARUR.

COPY TO:

1 THE REGISTRAR(JUDICIAL),

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER,

CRIMINAL SECTION,

MADURAI BENCH OF MADRAS HIGH COURT,

MADURAI. (CALL FOR RECORDS)

+1. C.C. TO M/S.THANGAPANDIAN R Advocate SR.No.10706

ORDER IN

CRL MP(MD) No.10077 of 2023

IN CRL RC(MD) No.723 of 2023

Date :14/07/2023

SA/VRS/SAR. /03.08.2023/4P/6C

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