



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

Monday, the Third day of July Two Thousand and Twenty Three

PRESENT

WEB COPY

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

CRL.M.P.(MD)No.9478 of 2023

in

CRL.R.C.(MD)No.677 of 2023

G.VELLADURAI

... PETITIONER/APPELLANT/ACCUSED

Vs

RAJAVELU

... RESPONDENT/RESPONDENT/COMPLAINANT

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 in Crl.A.No.60/2022 on the file of Learned III Additional District and Sessions Court Tirunelveli Dt 19.04.2023 confirming the conviction in STC No.283/2020 passed by the learned Judicial Magistrate, Special Court for Exclusive Trial of NI Act, Tirunelveli dated 26.08.2022 pending disposal of this Criminal Revision Petition.

Prayer in CRL RC(MD). 677/ 2023 :

To call for the records of the judgement dt 19.04.2023 passed in Crl.A.No.60/2022 on the file of the Learned III Additional District and sessions Court Tirunelveli confirming the judgement passed in STC No.283/2020 d 26.08.2022 on the file of the learned Judicial Magistrate Special Court for Exclusive Trial of NI Act, Tirunelveli and set aside the same by allowing this 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.SUSI KUMAR C, Advocate for the petitioner and of M/S.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the Respondent, while admitting the CRL RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the learned III Additional District and Sessions Judge, Tirunelveli, in Crl.A.No.60 of 2022, dated 19.04.2023, in confirming the conviction and sentence imposed by learned Judicial Magistrate, Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli in S.T.C.No.283 of 2020, dated 26.08.2022, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner submitted that the petitioner herein found guilty for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for the period of six months and u/s. 357(3) Cr.P.C., accused shall pay the total compensation of Rs.6,00,000/- payable to the complainant within a period of two months from the date of the said Judgment in default of payment the accused is sentenced to undergo, two months simple imprisonment. The learned III Additional District and Sessions Judge, Tirunelveli dismissed the appeal filed by the petitioner in Crl.A.No.60 of 2022.

3.The learned counsel appearing for the petitioner submitted that the petitioner has already deposited 25% of the amount at the time of admission before the First Appellate Court and he is ready to deposit further 10% of the amount.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

5. Accordingly, 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 Judicial Magistrate, Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli; further the petitioner is directed to deposit 10% of the compensation amount before the Court concerned; and on further condition that the petitioner shall appear before the concerned Court once in a month i.e., on the first working day of every month at 10.30 a.m. pending revision.

sd/-

03/07/2023

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/07/2023

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

TRP

TO

1.THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI DISTRICT.

2.THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF NEGOTIABLE INSTRUMENTS ACT,

<https://www.mhjudiciary.gov.in> TIRUNELVELI.



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

1. C.C. to M/S.C.SUSIKUMAR, Advocate, SR.No.10240

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ORDER

IN

CRL.M.P. (MD) No.9478 of 2023

in

CRL.R.C. (MD) No.677 of 2023

Date :03/07/2023

RK/SSS/SAR- (05/07/2023) 3P/5C