



CRL RC(MD)No. 716 of 2023

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

Wednesday, the Twelfth day of July Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) Nos.9945 of 2023

IN

CRL RC(MD)No. 716 of 2023

THANKAPRABHAKARAN @ PRABAHAR

... PETITIONER/PETITIONER

Vs

ARUN KUMAR

... 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 imposed on the petitioner in pursuance of the conviction passed by the Learned Judicial Magistrate Court, Radhapuram made in CC No.32/2020 dated 03.09.2022 which was confirmed by the Learned 4th Additional Sessions Judge in Tirunelveli Crl.A.No. 61 of 2022 pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 716/ 2023 :

To call for the records relating to the Judgment dated 29.03.2023 made in Crl.A No.61/2022 on the file of 4th Additional Sessions Court, Tirunelveli confirming the Judgment dated 03.09.2022 made in CC No.32/2020 on the file of Judicial Magistrate court, Radhapuram against the above petitioner and set aside the same.

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.ANBARASU.S.R., Advocate for the petitioner in both petitions, while admitting the Criminal Revision Case, the court made the following order:-

<https://www.mhc.tn.gov.in/judis> This petition is filed to suspend the sentence imposed by the learned IV



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Additional Sessions Judge, Thirunelveli, in Crl.A.No.61 of 2022, dated 29.03.2023 in confirming the conviction and sentence imposed by learned Judicial Magistrate, Radhapuram, in C.C.No.32 of 2020, dated 03.09.2022 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 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for one year and to pay a sum of Rs.8,40,000/- as compensation under Section 357 Cr.P.C., to the complainant within one month from the date of Judgment and in default to undergo Simple Imprisonment for two months.

3. The learned counsel appearing for the petitioner submitted that there are some arguable points involved in this revision. He further submitted that the petitioner has already deposited a sum of Rs.1,68,000/- at the time of suspension of sentence granted by the appellate Court and now, he is ready to deposit a further sum of Rs.1,00,000/- before the court below in order to show his bonafide.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record and inclined to grant suspension of sentence.



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conditions:

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

(i) the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) of the cheque amount before the Court concerned within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically 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 Judicial Magistrate, Radhapuram;

(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 total amount of Rs.2,68,000/- (Rupees Two Lakhs and Six Eight Thousand only) in any one of the Nationalized Banks in interest bearing account.



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Post the matter for reporting compliance on 28.08.2023.

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sd/-
12/07/2023

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/08/2023

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

TRP
TO

- 1 THE IV ADDITIONAL SESSIONS JUDGE, TIRUNELVELI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE, RADHAPURAM
- 3 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

COPY TO

THE SECTION OFFICER,(Call for Records)
CRIMINAL RECORDS
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) Nos.9945 of 2023

IN

CRL RC(MD)No. 716 of 2023

Date :12/07/2023

PKP/BUC/SAR- /01.08.2023/ 4P/5C

Madurai Bench of Madras High Court is issuing certified
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