



CRL MP(MD) No.13487 of 2023

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

Wednesday, the Twentieth day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN
CRL MP(MD) No.13487 of 2023
in
CRL RC(MD) No.1048 of 2023

D.RAMANATHAN

... PETITIONER/PETITIONER

Vs

SRI GOKULAM CHIT & FINANCE COMPANY PVT LTD.,
REP BY ITS POWER AGENT &
ASSISTANT MANAGER,
NO.80, RSP COMPLEX,
THERADI STREET,
PATTUKKOTTAI TOWN,
THANJAVUR DISTRICT.

... 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 in Crl A No. 50 of 2020 dated 28.11.2022 on the file of III Additional District and Sessions court, Thanjavur @ Pattukottai by confirming the order passed in STC No. 03 of 2020 dated 04.11.2020 on the file of Judicial Magistrate (Fast Track) Pattukkottai till the disposal of this main Criminal Revision Petition.

Prayer in CRL RC(MD). 1048/ 2023 :

To set aside the order in Crl A No. 50 of 2020 dated 28.11.2022 on the file of the III Additional District and Sessions Court, Thanjavur @ Pattukottai confirming the order passed in STC No. 3 of 2020 dated 04.11.2020 on the files of Judicial Magistrate (Fast Track) Pattukkottai.

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.SENTHIL KUMAR.A, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

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



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This petition is filed to suspend the sentence imposed by the learned III Additional District and Sessions Judge, Pattukottai, Thanjavur, in C.A.No.50 of 2020 dated 28.11.2022, by confirming the judgment rendered by the learned Judicial Magistrate, (Fast Track Court), Pattukkottai, in S.T.C.No.03 of 2020, dated 04.11.2020, pending disposal of the main Revision.

2.The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate, (FTC), Magisterial Level, Pattukkottai, in S.T.C.No.3 of 2020, for the offence punishable under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for 1 year and also to pay a Compensation of Rs.3,37,800/- (Rupees Three Lakhs Thirty Seven Thousand and Eight Hundred Only) as a compensation to the complainant in default, to undergo three months simple imprisonment. Challenging the same, the petitioner herein filed Crl.A.No.50 of 2020, before the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai, the same was dismissed on 28.11.2022. Aggrieved over the same, he filed the Criminal Revision Case, along with this present Criminal Miscellaneous Petition before this Court.

3. The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision and the learned trial Judge as well as the Appellate Judge have not considered the evidence in proper prospective and hence,



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the judgments are suffered from perversity. It is pertinent to state that now, the petitioner is ready to pay a sum of Rs.1,00,000/- to show his bona fide. Hence, he seeks for the suspension of sentence.

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

5. According to the petitioner, there is chit transaction between the petitioner and the respondent. It is also the case of the petitioner that he is an introducer and the same was misused by the respondent. In addition to that the petitioner is now ready to deposit a sum of Rs.1,00,000/- to show his bona fide and as rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal revision and since there was no antecedent against the petitioner, this Court is inclined to grant suspension of sentence.

6. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

- (i) The petitioner shall deposit a sum of Rs.1,00,000/- of the compensation amount to the credit of S.T.C.No.03 of 2020, on the file of the learned Judicial Magistrate Court (FTC), Pattukkottai, within a period of four weeks from the date of receipt of a copy of this order, failing



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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 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court (FTC), Pattukkottai.

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

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

sd/-
20/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO செய்து அளித்தல்

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1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PATTUKOTTAI, THANJAVUR DISTRICT.

2 THE JUDICIAL MAGISTRATE (FAST TRACK COURT), PATTUKKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

ORDER

IN

CRL MP(MD) No.13487 of 2023

in

CRL RC(MD) No.1048 of 2023

Date :20/09/2023

RS/DD/SAR-(04.10.2023) 5P 4C

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