



CRL MP(MD) No.10203 of 2023

WEB COPY

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

Tuesday, the Eighteenth day of July Two Thousand and Twenty Three

PRESENT

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

CRL.M.P.(MD)No.10203 of 2023

in

CRL.R.C.(MD)No.747 of 2023

M.VICTOR DURAI RAJ

... PETITIONER/PETITIONER

Vs

1 M.P DEGAL

2 THE STATE OF TAMIL NADU

REP.BY THE PUBLIC PROSECUTOR
NAGERCOIL.

... RESPONDENTS/RESPONDNETS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail suspending the sentence imposed upon him by judgment in C.A.No.61/2017 dt 10.04.2023 on the file of the Additional Sessions Court (Fast Court) Nagercoil Kanyakumari District confirming the judgement in STCNo.64/2013 dated 21.03.2017 on the file of the Fast Track Court(Magisterial Level), No.1, Nagercoil pending disposal of Criminal Revision Petition.

Prayer in CRL RC(MD). 747/ 2023 :

To call for the entire records relating to the Judgement passed in C.A.No.61/2017 dt 10.04.2023 on the file of the Additional Sessions Court (Fast Track) Nagercoil Kanyakumari District Confirming the judgement in STc No.64 of 2013 dt 21.03.2017 on the file of the Fast Track Court(Magisterial Level), No.I, Nagercoil and set aside the same.



CRL MP(MD) No.10203 of 2023

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. PERUMAL.C.T, Advocate for the petitioner and of M/S.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent No.2, while admitting the CRL RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Additional Sessions Court (Fast Track), Nagercoil, Kanyakumari District, in C.A.No.61 of 2017 dated 10.04.2023, in confirming the conviction and sentence imposed by the Fast Track Court (Magisterial Level) No.I, Nagercoil, in S.T.C.No.64 of 2013, dated 21.03.2017, and enlarge the petitioner on bail till the disposal of the Criminal Revision.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the Fast Track Court (Magisterial Level) No.I, Nagercoil, for the offence under Section 138 of Negotiable Instruments Act, and sentenced him to undergo 6 months Rigorous Imprisonment and to pay a compensation of Rs.9,00,000/-, in default to undergo one month simple imprisonment. The Additional Sessions Court (Fast Track), Nagercoil, Kanyakumari District, dismissed the appeal filed by the petitioner, in C.A.No.61 of 2017.



CRL MP(MD) No.10203 of 2023

WEB COPY

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 has not considered the evidence in proper prospect and hence, the judgments are suffered from perversity. He further submitted that the cheque was obtained from his wife by using threat. 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. Considering the submission of the petitioner that the cheque was obtained from his under threat, 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:-



CRL MP(MD) No.10203 of 2023

WEB COPY

(i) The petitioner shall deposit 25% of cheque amount within a period of four weeks from the date of receipt of a copy of this order to the credit of S.T.C.No.64 of 2013 on the file of the Fast Track Court (Magisterial Level) No.I, Nagercoil, 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 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 Fast Track Court (Magisterial Level) No.I, Nagercoil;

(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



CRL MP(MD) No.10203 of 2023

10.30 a.m., until further orders.

WEB COPY

7.For reporting compliance, post this matter on 21.09.2023.

sd/-
18/07/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

- 1 THE ADDITIONAL SESSIONS JUDGE,
(FAST TRACK), NAGERCOIL.
- 2 THE JUDGE,
FAST TRACK COURT,(MAGISTERIAL LEVEL), NO.I, NAGERCOIL.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE PUBLIC PROSECUTOR
STATE OF TAMIL NADU, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-10876[I] dated 18/07/2023)

ORDER
IN
CRL.M.P.(MD)No.10203 of 2023
in
CRL.R.C.(MD)No.747 of 2023
Date :18/07/2023

RK /BUC(14/08/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023
<https://www.mhc.tn.gov.in/judis>