



CRL MP(MD) No.11172 of 2023

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

Tuesday, the Eighth day of August Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.11172 of 2023

in

CRL RC(MD)No. 833 of 2023

M.RAJENDRAN

... PETITIONER/PETITIONER

Vs

V.A SARAVANAN

... 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 in judgment dt.22.12.2022 made in Criminal Appeal No.32 of 202 on the file of Principal District Judge,Karur confirming the order dt.23.2.2022 made in CC.No.649 of 2017 on the file of Judicial Magistrate(Fast Track Court),Karur Convicting the Petitioner for an offence under section 138 of the Negotiable Instruments Act and sentenced to undergo 2 years simple imprisonment and award compensation of Rs.2,00,000/- (Rupees Two Lakhs) in favour of the Respondent under section 357(3) of Cr.P.C pending disposal of the above Criminal Revision Petition on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 833/ 2023 :

To call for records and set aside the Judgment dated.22.12.2022 made in Criminal Appeal No.32 of 2022 on the file of Principal District Judge,Karur confirming the Judgment dated.23.02.2022 made in CC.No.649 of 2017 on the file of Judicial Magistrate(Fast Track Court),Karur Convicting and sentencing to undergo simple imprisonment for 2 years for the offences under section 138 of the Negotiable



CRL MP(MD) No.11172 of 2023

Instruments Act and also directed to pay a sum of Rs.2,00,000/- to the complainant as a compensation u/s 357 Cr.P.C.within a period of one month and allow the said application.

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.NAGARAJAN V, 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 Judge, Karur, in CrI.A.No.32 of 2022 dated 22.12.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court, Karur, in C.C.No.649 of 2017, dated 23.02.2022, 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, Fast Track Court, Karur, for the offence under Section 138 of Negotiable Instruments Act, and sentenced him to undergo 2 years Simple Imprisonment and also to pay a sum of Rs.2 lakhs as compensation to the complainant within a period of one month. The learned Principal District Judge, Karur, dismissed the appeal filed by the petitioner, in CrI.A.No.32 of 2022.

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



CRL MP(MD) No.11172 of 2023

learned trial Judge failed to consider the contradiction between the evidence of P.W.1 and P.W.2. He further submitted that the defacto complainant admitted that he has not know the petitioner personally and denied the fact that the petitioner was not working under him. 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 fact that there is contradiction between the evidence of P.W.1 and P.W.2 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 25% of the Cheque amount to the credit of C.C.No.649 of 2017, on the file of the learned Judicial Magistrate, Fast Track Court, Karur, 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



CRL MP(MD) No.11172 of 2023

the petitioner in the manner known to law;

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(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 learned Judicial Magistrate, Fast Track Court, Karur;

(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.

sd/-
08/08/2023

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

DSS

TO

1 THE PRINCIPAL DISTRICT JUDGE
KARUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, KARUR.

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



CRL MP(MD) No.11172 of 2023

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3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-11950[I] dated 08/08/2023)

ORDER
IN
CRL MP(MD) No.11172 of 2023
in
CRL RC(MD)No. 833 of 2023
Date :08/08/2023

PKP/VRS/SAR-3/17.08.2023/ 5P/ 6C

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