



CRL MP(MD) No.13509 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Friday, the Fifteenth day of December Two Thousand and Twenty Three  
PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.13509 of 2023  
in  
CRL RC(MD)No.1053 of 2023

T.CHANDRAJOTHI

... REVISION PETITIONER/ APPELLANT

Vs

M/s.THE SHIRAM TRANSPORT FINANCE COMPANY PVT LTD,  
REP BY BRANCH MANAGER AND AUTHORIZED SIGNATORY,  
THIRU.KANNAN,  
NO.2,1ST FLOOR,  
GANESA DEVAR COMPLEX,  
PATTUKOTTAI TOWN AND TALUK,  
THANJAVUR DISTRICT.

... COMPLAINANT/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 passed in C.A No. 13 of 2020 dated 24.11.2022 by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, Thanjavur District by confirming the Judgment of the learned Fast Track Court (JM Level) Pattukkottai, Thanjavur District passed in STC No.21 of 2019 dated 07.01.2020 pending disposal of this petition.

Prayer in CRL RC(MD). 1053/ 2023 :

To call for the records pertaining to the Judgment in C.A No. 13 of 2020 passed by III Additional District and Sessions Judge, Pattukottai, Thanjavur District dated 24.11.2022 by confirming the Judgment of learned Fast Track court, Pattukottai, Thanjavur District, in STC.No.21 of 2019 dated 07.01.2020 and to allow this criminal revision.



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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. BALAMURUGANANTHAM.R, Advocate for the petitioner while admitting the Criminal Revision Petition., the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Fast Track Court (JM Level), Pattukkottai, Thanjavur District, in S.T.C.No.21 of 2019, dated 07.01.2020, which was confirmed in Criminal Appeal No.13 of 2020, dated 24.11.2022 by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, Thanjavur District, pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 07.01.2020 for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of one year and to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) as compensation to the respondent, in default to undergo simple imprisonment for a period of three months in S.T.C.No.21 of 2019, on the file of the learned Fast Track Court (JM Level), Pattukkottai, Thanjavur District.

3. The learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, Thanjavur District, confirmed the conviction and sentence and



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dismissed the Criminal Appeal No.13 of 2020, dated 24.11.2022. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.

4. It is submitted by the learned counsel for the petitioner that the petitioner is ready to deposit 30% of the compensation amount and also submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. This Court has carefully considered the submission of the learned counsel for the petitioner and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. 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 30% of the Cheque amount/compensation



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**amount** to the credit of S.T.C.No.21 of 2019 on the file of the learned Fast Track Court (JM Level), Pattukkottai, Thanjavur District, 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 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 learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, Thanjavur District.

(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) On such deposit, the learnedlearned Fast Track Court (JM Level), Pattukkottai, Thanjavur District, shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending



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upon the outcome of the Criminal Revision Case in CrI.R.C.No.1053 of 2023.

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sd/-  
15/12/2023

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/01/2024

Sub-Assistant Registrar  
( C.S. I / II / III/ IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TTA

TO

- 1 THE III ADDITIONAL DISTRICT  
AND SESSIONS JUDGE,  
THANJAVUR @ PATTUKOTTAI,  
THANJAVUR DISTRICT.
- 2 THE JUDGE,  
FAST TRACK COURT(JM LEVEL),  
PATTUKKOTTAI,  
THANJAVUR DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

COPY TO:  
THE SECTION OFFICER,  
CRIMINAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI. (CALL FOR RECORDS)

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate ( SR-17902[I] dated  
18/12/2023 )



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ORDER  
IN  
CRL MP(MD) No.13509 of 2023  
in  
CRL RC(MD)No.1053 of 2023  
Date :15/12/2023

SS/JGB/SAR- /04/01/2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023