



CRL MP(MD) No.12040 of 2023

WEB COPY

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

Monday, the Twenty First day of August Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.12040 of 2023

IN

CRL RC(MD) No.918 of 2023

A.MATHEW

... PETITIONER/REVISION PETITIONER

Vs

M.AYYAVU

... RESPONDENT/REVISION 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 execution of sentence by granting bail in the order passed by the Hon'ble Vth Additional District and Sessions Court, Madurai, Madurai District in CA.No.30/2018 dt.13/4/2023 wherein he has confirmed the conviction of the learned Judicial Magistrate Court II (Fast Track Court At Magisterial Level) Madurai, Madurai District in STC.No.166 of 2012 dated 06/03/2018 till the disposal of the Criminal Revision.

Prayer in CRL RC(MD). 918/ 2023 :

To call for the records from the lower court and duly set aside the order passed by Hon'ble Vth Additional District and Sessions Court, Madurai, Madurai District in CA No.30/2018 dt.13/4/2023 wherein he has confirmed the conviction of the learned Judicial Magistrate Court No.II (Fast Track Court At Magisterial Level) Madurai, Madurai District in S.T.C.No.166 of 2012 dated 06/03/2018 by allowing this revision.

Order : This petition coming up for orders on this day, upon perusing the petition

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



CRL MP(MD) No.12040 of 2023

filed in support thereof and upon hearing the arguments of M/S.PRABHU K, 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 on the petitioner by V Additional District and Sessions Court, Madruai, Madurai District, in Crl.A.No.30 of 2018 dated 13.04.2023, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, (Fast Track Court at Magisterial Level) Madurai, Madurai District, in S.T.C.No.166 of 2012, dated 06.03.2018, till the disposal of the criminal revision case.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate No.II, (Fast Track Court at Magisterial Level) Madurai, for the offence under Section 138 of Negotiable Instruments Act, and sentenced him to undergo 6 months simple imprisonment and also to pay the compensation amount a sum of Rs.12,00,000/- to the complainant within a period two months. The learned V Additional District and Sessions Judge, Madruai, dismissed the appeal filed by the petitioner, in Crl.A.No.30 of 2018.

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 prospective and hence, the judgments are suffered from perversity. He further submitted that the petitioner has



CRL MP(MD) No.12040 of 2023

no means to pay the compensation amount to the defacto complainant. 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 submission of the learned counsel for the petitioner that the petitioner has no means to pay the amount and as rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal revision, 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 S.T.C.No.166 of 2012 on the file of the learned Judicial Magistrate No.II, (Fast Track Court at Magisterial Level), Madurai, 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;



CRL MP(MD) No.12040 of 2023

WEB COPY

(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 No.II, (Fast Track Court At Magisterial Level), Madurai,;

(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/-
21/08/2023

/ TRUE COPY /

21/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN
TO
1 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI, MADURAI DISTRICT.

2 THE JUDICIAL MAGISTRATE COURT NO.II,
(FAST TRAK COURT AT MAGISTERIAL LEVEL), MADURAI,
MADURAI DISTRICT.

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



CRL MP(MD) No.12040 of 2023

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

COPY TO:

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

+1 CC to M/s.K.PRABHU, Advocate (SR-12543[I] dated 21/08/2023)

ORDER
IN
CRL MP(MD) No.12040 of 2023
IN
CRL RC(MD) No.918 of 2023
Date :21/08/2023

SA/SAR. /21.08.2023/5P/6C

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