



CRL MP(MD) No.13782 of 2023

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

**Wednesday, the Twenty Seventh day of September Two Thousand and
Twenty Three**

PRESENT

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

CRL MP(MD) No.13782 of 2023

IN

CRL RC(MD) No.1073 of 2023

MUHAMMED IKSHAS IBRAHIM

... PETITIONER/PETITIONER

Vs

ARJUNAN

... 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 of Imprisonment imposed by the Learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No.28 of 2018 by the Judgment dt.21.2.2023 confirming the conviction and sentence and sentence imposed by the Learned Judicial Magistrate, Rajapalayam, Virudhunagar District in C.C.No.5 of 2016 by the Judgment dated 09.02.2018 and enlarge the Petitioner on bail, pending disposl of the Criminal Revision.

Prayer in CRL RC(MD). 1073/ 2023 :

To call for the records of the Learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District made in Crl.A.No.28 of 2018 by the Judgment dt.21.2.2023,confirming the conviction and sentence of imprisonment imposed by the Learned Judicial Magistrate,Rajapalayam, Virudhunagar District made in C.C.No.5 of 2016 by the Judgment dated 09.02.2018 and set aside the Judgments of the Courts below and acquit the Petitioner.

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

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



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Mr.N.RAHAMADULLAH, Advocate for the petitioner and of Mr.M.JOTHI BASU, Advocate on behalf of the Respondent, While admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District, in C.A.No.28 of 2018 dated 21.02.2023, by confirming the judgment rendered by the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, in C.C.No.05 of 2016, dated 09.02.2018, 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, Rajapalayam, Virudhunagar, in C.C.No.28 of 2016, convicted the petitioner 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.80,000/- (Rupees Eighty Thousand Only) to the complainant. Challenging the same, the petitioner herein filed Crl.A.No.28 of 2018, before the learned Additional District and Sessions Judge, Virudhunagar District at Srivilliputhur, the same was dismissed on 21.02.2023. 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



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Appellate Judge have not considered the evidence in proper prospective and hence, the judgments are suffered from perversity. It is pertinent to state that now, the petitioner is ready to deposit 25% of the cheque amount 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. Considering the fact that the petitioner is now ready to deposit 25% of the cheque amount 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 25% of the cheque amount to the credit of C.C.No.5 of 2016, on the file of the learned Judicial Magistrate, Rajapalayam, 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



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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, Rajapalayam;

(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/-
27/09/2023

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



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SBN
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

COPY TO:

1 THE REGISTRAR (JUDICIAL,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

(CALL FOR ORIGINAL RECORDS & ALONG WITH CRL.RC(MD).640/2023)

+1. C.C. to M/s.GM LAW OFFICE, SR.No.14302

ORDER
IN
CRL MP(MD) No.13782 of 2023
IN
CRL RC(MD) No.1073 of 2023
Date :27/09/2023

SA/MGA/SAR. /06.10.2023/5P/7C

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