



CRL MP(MD) No.13168 of 2023

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

Wednesday, the Thirteenth day of September Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.13168 of 2023

AND

CRL RC(MD)No. 1025 of 2023

R.CHINNAPPA

... PETITIONER/PETITIONER

Vs

R.NEELAKANDAN

... 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 passed against the Petitioner in Crl.A.No.31 of 2020 dt.10.11.2022 on the file of the III Additional District and Sessions Judge, Thanjavur at Pattukottai by confirming the conviction and sentence passed in STC.No.121 of 2019 dated 12.06.2020 on the file of the Learned Fast Track Court (Magistrate Level) Pattukottai.

Prayer in CRL RC(MD). 1025/ 2023 :

To set aside the judgment passed in Crl.A.No.31 of 2020 dt.10.11.2022 on the file of the III-Additional District and Sessions Judge, Thanjavur at Pattukottai by confirming the conviction and sentence passed in STC.No.121 of 2019 dt.12.6.2020 on the file of the learned Fast Track Court (Magistrate Level) Pattukkottai.

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.MURUGESAN D.R., Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

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This petition is filed to suspend the sentence imposed by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, in Crl.A.No.31 of 2020 dated 10.11.2022, in confirming the conviction and sentence imposed by the learned Judge, Fast Track Court, (Magistrate Level), Pattukottai, in S.T.C.No.121 of 2019, dated 12.06.2020, pending disposal of the main Revision.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judge, Fast Track Court, (Magistrate level) Pattukottai, for the offence punishable under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment of 1 year and also to pay a Compensation of Rs.2,00,000/- (Rupees Two Lakh Only) to the complainant within a period of one month from the date of receipt of copy of the judgement in default, to undergo 3 months simple imprisonment. Challenging the same, the petitioner herein filed Crl.A.No.31 of 2020, before the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, the same was dismissed on 10.11.2022. 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

Appellate Judge has not considered the evidence in proper prospect and hence, the



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judgments are suffered from perversity. He would further submitted that the petitioner is ready to pay a sum of Rs.1,00,000/- 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 a sum of Rs.1,00,000/-. Further, he would submit that the petitioner was arrested on 09.08.2023 and confined in Central Prison, Trichy 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 a sum of Rs.1,00,000/- of the compensation amount to the credit of S.T.C.No.121 of 2019, on the file of the learned Judicial Magistrate, Fast Track Court, Pattukkottai, 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



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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 Magistrate, Fast Track Court, (Magistrate Level) Pattukottai;

(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/-
13/09/2023

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13/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THANJAVUR @ PATTUKOTTAI.
- 2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, PATTUKOTTAI.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

+1 CC to M/s.D.R.MURUGESAN, Advocate (SR-13572[I] dated 13/09/2023)

ORDER
IN
CRL MP(MD) No.13168 of 2023
AND
CRL RC(MD)No. 1025 of 2023
Date :13/09/2023

PKP/CN/SAR- /13.09.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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