



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

Monday, the Tenth day of July Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.4165 & 4167 of 2023

IN

CRL RC(MD) No.287 of 2023

V.MOHAN

... PETITIONER/PETITIONER  
IN BOTH PETITIONS

**Vs**

JOSEPHIN

... RESPONDENT/RESPONDENT  
IN BOTH PETITIONS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed in C.A.No.56/2015 by the I Additional District and Sessions Court, Tirunelveli, dt.21.02.2022 confirming the judgment of conviction and sentence made in STC No.695/2012 by the District Munsif cum Judicial Magistrate, Cheranmahadevi dated 04.06.2015 pending disposal of the above criminal revision case.

**Prayer in CRL MP(MD) . 4167/ 2023 :**

To exempt the petitioner from undergoing the sentence imposed in C.A No.56/2015 by the I Additional District and Sessions Court, Tirunelveli, dt.21.02.2022 confirming the judgment of conviction and sentence made in STC No.695/2012 by the District Munsif cum Judicial Magistrate, Cheranmahadevi dated 04.06.2015 pending disposal of the above criminal revision case.

**Prayer in CRL RC(MD) . 287/ 2023 :**

To call for the records and set aside the Judgment made in C.A No.56/2015 by the I Additional District and Sessions Court, Tirunelveli, dt.21.02.2022 confirming the judgement of conviction and sentence made in STC No.695/2012 by the District Munsif cum Judicial Magistrate, Cheranmahadevi dated 04.06.2015.

**Order :** These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.VENKATESH.D, Advocate for the petitioner in both Petitions, While admitting the Criminal Revision Case,the court made the following order:-

This petition is filed to suspend the sentence imposed by the learned I Additional District and Sessions Judge, Tirunelveli, in C.A.No.56 of 2015, dated 21.02.2022, in confirming the conviction



and sentence imposed by learned District Munsif - Cum - Additional Magistrate, Cheranmahadevi, in S.T.C.No.695 of 2012, dated 04.06.2015, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner herein found guilty for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo Rigorous Imprisonment for six months and to pay a sum of Rs.5,50,000/- towards compensation within one month from the date of Judgment in default to undergo Simple Imprisonment for one month.

3. The learned counsel appearing for the petitioner submitted that there are some arguable points involved in this revision and the petitioner is ready to deposit 25% of cheque amount before the Court concerned.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record and inclined to grant suspension of sentence.

5. Accordingly, the suspension of sentence petition is allowed on the following conditions:

(i) the petitioner is directed to deposit 25% of the cheque amount before the Court concerned within a period of four weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically 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 is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi;

(iii) 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. pending revision; and

(iv) the learned trial Judge is hereby directed to deposit the said amount in any one of the Nationalized Banks in interest bearing account.

Post the matter for reporting compliance on 10.08.2023.

sd/-

10/07/2023

/ TRUE COPY /

/07/2023

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



TRP  
TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
CHERANMAHADEVI.

3 THE JUDICIAL MAGISTRATE,  
CHERANMAHADEVI.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

**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.

+1. C.C. to M/S.VENKATESH.D Advocate SR.No.10471 (I) Dt.11/07/2023

**ORDER**

**IN**

CRL MP(MD) No.4165 & 4167 of 2023  
IN CRL RC(MD) No.287 of 2023  
Date :10/07/2023

SA/VR/SAR. /11.07.2023/3P/8C