



CRL.M.P.(MD)No.12772 of 2023

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

Tuesday, the Fifth day of September Two Thousand and Twenty Three

PRESENT

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

CRL.M.P.(MD)No.12772 of 2023

in

CRL.R.C.(MD)No.991 of 2023

G.LAWRANCE SAGAYARAJ

... PETITIONER/PETITIONER

Vs

SATHISHKUMAR

... 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 conviction and sentence under section 138 of Negotiable Instruments Act to undergo simple imprisonment for one year and to pay compensation of Rs.500000/- and in default the petitioner shall undergo a further period of three months Simple imprisonment made in C.A.No.78 of 2022 on the file of I Additional District and Sessions Judge(PCR) Tiruchirappalli dated 15.05.2023 by confirming the judgment made in S.T.C.No.638 of 2019 on the file of District Munsif-cum-Judicial Magistrate, Srirangam dated 27.07.2022 pending disposal of the above Criminal Revision Petition.

PRAYER IN CRL.R.C.(MD)No.991 of 2023:

Criminal Revision Case filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for records and set aside the judgment of conviction under section 138 of Negotiable Instruments Act to undergo simple imprisonment for one year and to pay compensation of Rs.500000/- and in default the petitioner shall undergo a further period of three months Simple imprisonment made in C.A.No.78 of 2022 on the file of I Additional District and Sessions Judge(PCR) Tiruchirappalli dated 15.05.2023 by confirming the judgment made in S.T.C.No.638 of 2019 on the file of District Munsif-cum-Judicial Magistrate, Srirangam dated 27.07.2022 and allow the Criminal Revision Petition.



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Order: This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SASIKUMAR.V, 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 by the learned I Additional District and Sessions Judge, (PCR) Tiruchirappalli, in CrI.A.No.78 of 2022 dated 15.05.2023, in confirming the conviction and sentence imposed by the learned District Munsif-cum-Judicial Magistrate, Srirangam, in S.T.C.No.638 of 2019, dated 27.07.2022, pending disposal of the main Revision.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned District Munsif-cum-Judicial Magistrate, Srirangam, 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.5,00,000/- (Rupees Five 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 CrI.A.No.78 of 2022, before the learned I Additional District and Sessions Judge, (PCR) Tiruchirappalli, the same was dismissed on 15.05.2023. Aggrieved over the



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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 judgments are suffered from perversity. He would further submitted that the petitioner has already deposited a sum of Rs.1,00,000/- before the trial Court in the appellate stage and now he 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/-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.



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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.638 of 2019, on the file of the learned District Munsif-cum-Judicial Magistrate, Srirangam 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 District Munsif-cum-Judicial Magistrate, Srirangam;

(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



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(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/-
05/09/2023

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

sbn

TO

1.THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
SRIRANGAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

3.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE(PCR)
TIRUCHIRAPPALLI

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



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ORDER
IN
CRL.M.P.(MD)No.12772 of 2023
in
CRL.R.C.(MD)No.991 of 2023
Date :05/09/2023

RK/GB (21/09/2023) 6P /5 C

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