



CRL MP(MD) No.13403 of 2023

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

Tuesday, the Nineteenth day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN
CRL MP(MD) No.13403 of 2023
in
CRL RC(MD) No.1039 of 2023

A.PALANIYANDI

... PETITIONER/REVISION PETITIONER

Vs

RAMADURAI

... 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 in C.A.No.83 of 2021 dated 21.06.2023 on the file of the Learned V-Additional District and Sessions Court, Madurai confirming the judgement of the Learned Judicial Magistrate, Thirumangalam in STC.No.1063 of 2015 dated 30.04.2021 pending disposal of the criminal revision petition.

Prayer in CRL RC(MD). 1039/ 2023 :

To admit this revision on file, to call for the records from the lower courts and set aside the judgement of the appellate court passed by the Learned V-Additional District and Sessions Court, Madurai in C.A.No.83 of 2021 dated 21.06.2023 confirming the judgement of the Learned Judicial Magistrate, Thirumangalam in S.T.C.No.1063 of 2015 dated 30.04.2021 by allowing this revision.

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 MR.S.SRIKANTH, Advocate for M/S.APN LAW ASSOCIATES for the petitioner and of MR.A.JOSEPH JERRY, 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 V-Additional

District and Sessions Court, Madurai, in C.A.No.83 of 2021 dated 21.06.2023, by
<https://www.mhc.tn.gov.in/judis>



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confirming the judgment rendered by the learned Judicial Magistrate, Thirumangalam, in S.T.C.No.1063 of 2015, dated 30.04.2021, 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, Thirumangalam, in S.T.C.No.1063 of 2015 dated 30.04.2021, 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.12,45,000/- (Rupees Twelve Lakhs and Forty Five Thousand and Five Hundred only) to the complainant. Challenging the same, the petitioner herein filed CrI.A.No.83 of 2021, before the learned V Additional Sessions Judge, Madurai, the same was dismissed on 21.06.2023. 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 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 pay a sum of Rs.2,00,000/- to show his bona fide. Hence, he seeks for the suspension of sentence.



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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.2,00,000/- 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 a sum of Rs.2,00,000/- of the compensation amount to the credit of S.T.C.No.1063 of 2015, on the file of the learned Judicial Magistrate, Thirumangalam, 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



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for a like sum to the satisfaction of the Judicial Magistrate,
Thirumangalam;

(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/-
19/09/2023

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/09/2023

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

sbn

TO

1 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

2 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.



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ORDER

IN

CRL MP(MD) No.13403 of 2023

in

CRL RC(MD) No.1039 of 2023

Date :19/09/2023

RS/VRS/SAR-(22.09.2023) 5P 4C

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