



CRL MP(MD) No.12875 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 MP(MD) No.12875 of 2023

in

CRL RC(MD)No. 969 of 2023

R.B SAKTHEESWARI

... PETITIONER/PETITIONER

Vs

A.SICKANDER ALI

... 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 pursuant to the judgment of conviction render by the learned Additional District Judge(FAC),Srivilliputhur, in C.A.No.27/2014 dated 23.03.2023 by confirming the judgment passed by the learned Judicial Magistrate,Sivakasi in STC.No. 5345/2009 dated 04.02.2014, pending disposal of the above Criminal Revision Petition, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 969/ 2023 :

To call for the records in C.A.No.27/2014 dated 23.03.2023 on the file of the Additional District Judge,(FAC) Srivilliputtur, confirming the judgment in S.T.C.No.5345 of 2009 dt 04.02.2014 on the file of the Learned Judicial Magistrate, Sivakasi and duly set aside the judgment of the courts below by acquitting the accused/respondent herein.



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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.DHANACHANDRA PRAKASH.D, 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 Additional District Judge, (FAC) Srivilliputtur, in Crl.A.No.27 of 2014 dated 23.03.2023, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Sivakasi, in S.T.C.No.5345 of 2009, dated 04.02.2014, 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, Sivakasi, for the offence punishable under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment of four months and also to pay a Compensation of Rs.1,20,486/- (Rupees One Lakh Twenty Thousand and Four Hundred and Eighty Six) 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.27 of 2014, before the learned Additional District Judge, (FAC) Srivilliputtur, the same was dismissed on 04.02.2014. Aggrieved over the same, he filed the Criminal Revision Case, along with this present Criminal Miscellaneous Petition before this Court.



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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 is ready to pay a sum of Rs.40,000/- to show his bona fide. Hence, he seeks 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.40,000/-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.

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.40,000/- of the compensation amount to the credit of S.T.C.No.5345 of 2009, on the file of the learned Judicial

Magistrate, Sivakasi within a period of four weeks from the date of receipt of a



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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 Judicial Magistrate, Sivakasi;

(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;

(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; and

(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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/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
(FAC) SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE, SIVAKASI.

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

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-13338[I] dated 07/09/2023)

ORDER
IN
CRL MP(MD) No.12875 of 2023
in
CRL RC(MD)No. 969 of 2023
Date :05/09/2023

PKP/JGB/SAR- /03.10.2023/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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