



CRL MP(MD) No.12997 of 2023

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

Friday, the Eighth day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN
CRL MP(MD) No.12997 of 2023
in
CRL RC(MD) No.979 of 2023

RAJENDRAN

... PETITIONER/REVISION PETITIONER

Vs

M.ANNAMALAI

... 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 of the petitioner imposed in judgment dated 29.06.2022 in S.T.C.No.7 of 2017 on the file of Fast Track Court at Magisterial Level, Thanjavur, confirmed in judgment dated 15.02.2023 made in Crl.A.No.52 of 2022 on the file of Principal Sessions Judge, Thanjavur, pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 979/ 2023 :

To call for records and set aside the judgment dated 15.02.2023 made in Crl A No. 52 of 2022 on the file of the Principal Sessions Judge, Thanjavur, confirming the judgment dated 29.06.2022 in S.T.C No. 7 of 2017 on the file of the Fast Track Court at Magisterial Level, Thanjavur and allow the Criminal 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 M/S.ARUN PRASAD.A, 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 Principal Sessions Judge, Thanjavur, in Crl.A.No.52 of 2022, dated 15.02.2023, in confirming the conviction and sentence imposed by Fast Track Court at Magisterial Level,



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Thanjavur, in S.T.C.No.7 of 2017, dated 29.06.2022, pending disposal of the Criminal
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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 simple imprisonment for the period of 1 year and u/s. 357 (3) Cr.P.C., accused shall pay the total compensation of Rs.2,00,000/- payable to the complainant within a period of two months from the date of the said Judgment in default of payment the accused is sentenced to undergo one month simple imprisonment. The learned Principal Sessions Judge, Thanjavur, dismissed the appeal filed by the petitioner in CrI.A.No.52 of 2022.

3.The learned counsel appearing for the petitioner submitted that there are some arguable points involved in the criminal revision. He further submitted that the total cheque amount is Rs.2,00,000/-. During the pendency of the appeal, the petitioner already deposited a sum of Rs.40,000/- before the Appellate Court while he was granting suspension of sentence. Now, he is ready to deposit further sum of Rs.60,000/- before the Court below to show his bona fide. He further submitted that the petitioner has disputed the cheque amount and also made a specific plea that the admitted due amount was discharged. To prove the same, he also produced the additional documents before the Appellate Court and the same have been rejected.



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Hence, he seeks to grant of suspension of sentence to the petitioner.

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4.This Court has carefully considered the submission made by the counsel for the petitioner and also perused the records.

5.The petitioner made the specific stand that the due amount was already settled and to prove the same, he also adduced the additional evidence during the appellate stage. This Court feels that the petitioner made a prima facie case to grant suspension of sentence.

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

(i) the petitioner is directed to deposit a sum of Rs.60,000/- (Rupees Sixty Thousand Only) to the credit of S.T.C.No.7 of 2017 on the file of the Fast Track Court at Magisterial Level, Thanjavur, 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 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 Fast Track Court at Magisterial Level, Thanjavur;



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(iii) the petitioner shall appear before the trial Court once in a month i.e., on the first working day of every 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 Nationalised Bank in interest bearing account.

sd/-
08/09/2023

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/09/2023

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

dss

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.
- 2 THE FAST TRACK COURT AT MAGISTERIAL LEVEL, THANJAVUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

ORDER IN
CRL MP(MD) No.12997 of 2023
inCRL RC(MD) No.979 of 2023
Date :08/09/2023

RS/JGB/SAR-(12.09.2023) 4P 4C
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