



CRL MP(MD) No.12969 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.12969 of 2023
IN
CRL RC(MD) No.1002 of 2023

K.GEETHA

... PETITIONER/REVISION PETITIONER

Vs

S.VEEMAN

... 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 24.08.2022 in S.T.C.No.130 of 2020 on the file of Fast Track Court at Magisterial Level, Thanjavur confirmed in judgment dated 12.06.2023 made in Crl.A.No.69 of 2022 on the file of Principal Sessions Judge, Thanjavur, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1002/ 2023 :

To call for the records and to set aside the the judgment dated 12.06.2023 in Crl.A.No.69 of 2022 on the file of Principal Sessions Judge, Thanjavur confirming the judgment dated 24.08.2022 in S.T.C.No.130 of 2020 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.69 of 2022, dated 12.06.2023, in confirming the conviction and sentence imposed by the Fast Track Court at Magisterial Level,



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Thanjavur, in S.T.C.No.130 of 2020, dated 24.08.2022, pending disposal of the
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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 simple imprisonment for the period of 1 year and u/s. 357 (3) Cr.P.C., accused shall pay the total compensation of Rs.2,50,000/- payable to the complainant within a period of one month from the date of the said Judgment in default of payment the accused is sentenced to undergo two months simple imprisonment. The learned Principal Sessions Judge, Thanjavur, dismissed the appeal filed by the petitioner in CrI.A.No.69 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.2,50,000/-. At the time of filing of the said appeal, the petitioner already deposited a sum of Rs.50,000/- before the Appellate Court. Now, he is ready to deposit further sum of Rs.75,000/- before the Court below to show his bona fide. He further submitted that the cheque amount was legally enforceable debt and the said plea has been taken from the initial stage. Hence, he seeks to grant of suspension of sentence to the petitioner.

4.This Court has carefully considered the submission made by the counsel for



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the petitioner and also perused the records.

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5.The petitioner submitted that the petitioner made a promise to obtain a job and received the amount from the respondent. To repay the amount, he issued the cheque. So, the question of the legally enforceable debt to be decided in the main revision. Therefore, this Court is inclined 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.75,000/- (Rupees Seventy Five Thousand Only) to the credit of S.T.C.No.130 of 2020 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;

(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



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(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.12969 of 2023
IN
CRL RC(MD) No.1002 of 2023
Date :08/09/2023

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