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

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

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

CRL MP(MD) No.13282 of 2023
in
CRL RC(MD)No.1031 of 2023

S.VIJAYALAKSHMI

... PETITIONER/REVISION PETITIONER/
APPELLANT/ACCUSED

Vs

P.PALANISAMY

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

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 imposed in CA.No.111 of 2022 passed by the Learned District Judge,Karur by its order dt.18.8.2023 by partly allowed the Judgment rendered by the Learned District Munsif cum Judicial Magistrate, Krishnarayapuram by its order dated 13.09.2022 in S.T.C.No.58 of 2021 pending disposal of the Criminal Revision.

Prayer in CRL RC(MD). 1031/ 2023 :

To call for the records and to set aside the conviction and sentence imposed by judgment dt.18.8.2023 in CA.No.111 of 2022 on the file of Learned Principal District Judge, Karur District by partly allowed the Judgment rendered by the learned District Munsif Cum Judicial Magistrate Krishnarayapuram by its Judgment dated 13.09.2022 in S.T.C.No.58 of 2021 by allowing this Revision Petition.

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.ARUL JENIFER A, Advocate for the petitioner while admitting the Criminal Revision Petition., the Court made the following order:-



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This petition is filed to suspend the sentence imposed by the learned District Judge, Karur, in CrI.A.No.111 of 2022 dated 18.08.2023, by partly allowing the judgment rendered by the learned District Munsif Cum Judicial Magistrate, in S.T.C.No.58 of 2021, dated 13.09.2022, 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, Krishnarayapuram, for the offence punishable under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for 12 months and also to pay a Compensation of Rs.7,60,000/- (Rupees Seven Lakhs and Sixty Thousand Only) to the complainant in default, to undergo 3 months simple imprisonment. Further the accused was directed to pay the fine amount of Rs.5,000/- in default, to undergo 3 months simple imprisonment. Challenging the same, the petitioner herein filed CrI.A.No.111 of 2022, before the learned District Judge, Karur, to modify the compensation amount alone wherein the petitioner was directed to pay a sum of Rs.3,80,000/- as compensation, on 10.11.2022. 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



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Appellate Judge have not considered the evidence in proper prospective and hence, the judgments are suffered from perversity. Further, the petitioner is working as a Senior Assistant in Commercial Tax Office and he was not able to appear before the Court below. It is pertinent to state that he has already deposited a sum of Rs.1,90,000/- before the trial Court. Now, the petitioner 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/-. Further, he would submit that the petitioner was arrested on 04.09.2023 and confined in Special Prison for Women, Trichy 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.1,00,000/- **of the compensation**

amount to the credit of S.T.C.No.58 of 2021, on the file of the learned District Munsif-



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cum-Judicial Magistrate, Krishnarayapuram, 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 District Court, Karur;

(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/-
15/09/2023

/ TRUE COPY /

15/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN



TO

1 THE DISTRICT JUDGE,
KARUR.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KRISHNARAYANAPURAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

4 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR THE ORIGINAL RECORDS)

+1 CC to M/s.A.ARUL JENIFER, Advocate (SR-13743[I] dated 15/09/2023)

ORDER
IN

CRL MP(MD) No.13282 of 2023
in

CRL RC(MD)No.1031 of 2023

Date :15/09/2023

SS/15/09/2023/5P/9C