



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

Friday, the Sixth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.277 of 2023
IN
CRL RC(MD) No.22 of 2023

R.MADHANA

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

B.SATHISH KUMAR

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

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 and release the Petitioner on bail against the judgment passed in CA.No.104 of 2019 dt.21.12.2021 on the file of II-Additional District and Sessions Judge, Trichy by confirming the judgment in CC.No.324 of 2017 dt.31.5.2019 on the file of Judicial Magistrate No.I, Trichy pending disposal of Criminal Revision Petition.

Prayer in CRL RC(MD) . 22/ 2023 :

To call for records and set aside the order passed in CA.No.104 of 2019 dt.21.12.2021 on the file of II-Additional District and Sessions Judge, Trichy District by confirming the judgment in CC.No.324 of 2017 on the file of Judicial Magistrate-I, Trichy and acquit the petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.EBENEZER CHARLES T.J., Advocate for the petitioner and of Mr.S.RAMSUNDAR VIJAYARAJ, Advocate on behalf of the Respondent, While admitting the CRL.RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned II Additional District and Sessions Judge, Trichy, in Crl.A.No.104 of 2019, dated 21.12.2021, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Trichy, in C.C.No.324 of 2017, dated 31.05.2019, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months. The appellate Court has confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal.

3.The learned counsel appearing for the petitioner submitted that only as a security the disputed cheque was issued and there was no liability on the date of the above said presentation of the cheque by the complainant and apart from that the source of income of the complainant is also under dispute. That were not properly taken care by the Courts below. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.S.Ramasundar Vijayaraj, learned counsel takes notice for the respondent and submitted that there are enough materials available on record against the petitioner and hence he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and 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 Judicial Magistrate No.I, Trichy and on further condition that the petitioner shall appear before the concerned Court once in a month i.e., on the first working day of every English Calender Month at 10.30 a.m. pending revision.

sd/-

06/01/2023

/ TRUE COPY /

/01/2023

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



1 THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
TRICHY DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I,
TRICHY.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

ORDER

IN

CRL MP (MD) No.277 of 2023

IN

CRL RC (MD) No.22 of 2023

Date :06/01/2023

SA/MMS/SAR.4/10.01.2023/3P/4C