



CRL MP(MD) No.13994 of 2023

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

Wednesday, the Fourth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.13994 of 2023

IN

CRL RC(MD)No. 1087 of 2023

A.RAJENDRAN

... REVISION PETITIONER/ APPELLANT

Vs

PRAKASHKUMAR

... COMPLAINANT/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 passed in CA.No.12/2019 dated 31.08.2023 by the learned Additional District and Sessions Judge, Sivagangai, Sivagangai District, by confirming the judgment of the learned Fast Track Court, JM Level, Karaikudi, Sivagangai District passed in STC No. 287 of 2016 dated 12.02.2019 pending disposal of this petition.

Prayer in CRL RC(MD). 1087/ 2023 :

To call for the records pertaining to the judgment in CA.No.12/2019 passed by Additional District and Sessions Judge, Sivagangai, Sivagangai District dated 31.08.2023 by confirming the judgement of learned Fast Track Court, Karaikudi, Sivagangai District in STC No. 287 of 2016 dated 12.02.2019 and to allow this 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.BALAMURUGANANTHAM.R., Advocate for the petitioner, the court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Judicial Magistrate, Fast Tract Court, Karaikudi, Sivagangai District vide its Judgment dated 12.02.2019 passed in S.T.C.No.287 of 2016 which was confirmed by the learned Additional District and Sessions Judge, Sivagangai, Sivagangai District vide its Judgment dated 31.08.2023 passed in Crl.A.No.12 of 2019.

2. The learned counsel for the petitioner would submit that the petitioner has been convicted by the Trial Court for the alleged offence under Section 138 of Negotiable Instruments Act, and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.6,05,000/- (Rupees Six Lakhs and Five Thousand only), in default, to undergo simple imprisonment for a period of three months in S.T.C.No.287 of 2016, on the file of the Fast Tract Court, JM Level, Karaikudi, Sivagangai District.

3.The learned Additional District and Sessions Judge, Sivagangai, Sivagangai District, confirmed the conviction and the sentence passed by the Trial Court in Criminal Appeal No.12 of 2019, dated 31.08.2023.

4.The learned counsel for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.



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5. This Court has carefully considered the contentions put forward by the learned counsel for the petitioner and also perused the materials available on record.

6. The learned counsel for the petitioner would point out that there are certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. 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 20% of the Cheque amount, i.e. Rs,1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the credit of S.T.C.No.287 of 2016 on the file of the Fast Tract Court, JM Level, Karaikudi, Sivagangai District, within a period of four weeks from the date of receipt of a copy of this order, failing which, the sentence suspended shall stand 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;



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(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, Fast Track Court, Karaikudi, Sivagangai District;

(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 ie., on the first working day of every English calendar Month at 10.00 a.m., until further orders.

8. Post the matter on 03.11.2023 for reporting compliance.

sd/-
04/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JEN



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- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SIVAGANGAI,
SIVAGANGAI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, KARAIKUDI,
SIVAGANGAI DISTRICT.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-14604[I] dated
04/10/2023)

ORDER
IN
CRL MP(MD) No.13994 of 2023
IN
CRL RC(MD)No. 1087 of 2023
Date :04/10/2023

PKP/ /SAR- /05.10.2023/ 5P/ 5C
Madurai Bench of Madras High Court is issuing certified
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