



CRL MP(MD) No.14197 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Ninth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.14197 of 2023

and

CRL RC(MD) No.1059 of 2023

SENTHILKUMAR

... Petitioner / Petitioner / Appellant / Accused

Vs

N.MUTHAIAN

... 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 grant the suspense of sentence in connection with STC No.81 of 2019 on th file of the Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District until disposal of main case.

Prayer in CRL RC(MD). 1059/ 2023 :

To call for the records relating to the order in Crl M.P No.3736 of 2022 in



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U.F.C.A No. of 2022 (TNTJ010013952022) dated 31.10.2022 on the file of the Principal Sessions Judge, Thanjavur against S.T.C No. 81 of 2019 on the file of the Fast Track (Magisterial Level), Pattukkottai, Thanjavur District, and set aside the same.

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.S.MOORTHY, Advocate for the petitioner and of Mr.N.MUTHAIAN, Party-in-Person on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence passed in S.T.C.No.81 of 2019 on the file of the Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District, till the disposal of the main revision case.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.50,000/- (Rupees Fifty Thousand only) to the complainant, in default to undergo simple imprisonment for a period of one month in S.T.C.No.81 of 2019 on the file of the Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District. Aggrieved by the same, the petitioner has preferred the Criminal Appeal before the learned Principal Sessions Judge, Thanjavur with the petition to condone the delay of 806 days in CrI.M.P.No.3736 of



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2022 and the said petition was dismissed on 31.10.2022. Against the dismissal order, the petitioner has preferred the main Criminal Revision Case before this Court and filed this petition for suspension of sentence.

3.The learned counsel for the petitioner submitted that the petitioner and the respondent/complainant have compromised the matter and the petitioner has paid the cheque amount of Rs.50,000/- (Rupees Fifty Thousand only) to the respondent/complainant and prays to enlarge the petitioner on bail to enable him to approach the concerned Court for getting relief and further submitted that the respondent/complainant is also appeared today.

4.The respondent/complainant is also appeared before this Court and submitted that they have entered into a amicable settlement on 25.09.2023 and he received the cheque amount from the petitioner and he has no objection to allow this petition.

5.In view of the above submission and taking note of the fact that the parties have settled the dispute, this Court is inclined to suspend the sentence imposed upon the petitioner. Accordingly, the suspension of sentence petition is allowed and the sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i)the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukootai;

(ii) and on further condition that the petitioner shall appear before said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-
09/10/2023

/ TRUE COPY /

09/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

To

1.The Principal sessions Judge,
Thanjavur.

2.The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Pattukkottai.

3.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

+1 CC to M/s.S.MOORTHY, Advocate (SR-14861[I] dated 09/10/2023)



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ORDER

IN

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and

CRL RC(MD) No.1059 of 2023

Date :09/10/2023

ED/ /SAR- (09/10/2023) 5P / 5C

**Madurai Bench of Madras High Court is issuing certified copies in this format from
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