



CRL MP(MD) No.14086 of 2023

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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.14086 of 2023

IN

CRL RC(MD) No.1096 of 2023

S.XAVIER

... PETITIONER/PETITIONER

Vs

R.S BALAMURUGAN

... 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, as imposed by the learned Additional District and Sessions Judge (FAC), Srivilliputhur in CA No.39/2018, dated 12.04.2023 confirming the order passed by the learned Judicial Magistrate Court No.I, Sivakasi in CC No.341/2013, dated 01.03.2018, pending disposal of Criminal Revision Petition.

Prayer in CRL RC(MD). 1096/ 2023 :

To call for the records from learned Additional District and Sessions Judge, Srivilliputhur in CA No.39/2018, dated 12.04.2023 confirming the order passed by the learned Judicial Magistrate Court No.I, Sivakasi in CC No.341/2013, dated 01.03.2018 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.SOLAISAMY.M, Advocate for the petitioner while admitting the Criminal Revision Case., the Court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Additional District & Sessions Judge (FAC), Srivilliputhur, by its judgment dated 12.04.2023, in C.A.No.39 of 2018, confirming the order passed by the Judicial Magistrate Court No.I, Sivakasi, in C.C.No.341 of 2013 dated 01.03.2018 and enlarge the petitioner on bail.

2. The learned counsel for the petitioner submitted that the accused was convicted by the Judicial Magistrate Court No.I, Sivakasi, by its judgment dated 01.03.2018, passed in C.C.No.341 of 2013 to undergo one year simple imprisonment and to pay the cheque amount of Rs.4,00,000/-(Rupees Four Lakhs only) as Compensation to the respondent, in default, to undergo three months simple imprisonment for the offence under Section 138 NI Act. Against the said conviction and sentence, petitioner preferred an appeal before the learned Additional District & Sessions Judge(FAC), Srivilliputhur, in C.A.No.39 of 2018 and a judgment was passed on 12.04.2023 as stated above. Challenging the same, the Criminal Revision Case has been filed before this Court.

3. Heard the learned counsel appearing for the petitioner.



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4. It is submitted by the learned counsel appearing for the petitioner that the petitioner is in the judicial custody from 31.08.2023 and he is ready to deposit Rs.1,00,000/- (Rupees One Lakh only) before the trial Court.

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

6. The learned counsel appearing for the petitioner pointed out that petitioner is ready to deposit Rs.1,00,000/- (Rupees One Lakh only) before the trial Court. 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, the suspension of sentence petition is allowed on condition that the petitioner is directed to deposit Rs.1,00,000/- (Rupees One Lakh only) before the trial Court within a period of one week from the date of receipt of copy of this order. On such deposit, the substantive sentence of imprisonment alone is



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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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.I, Sivakasi and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m. pending revision.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

sd/-

09/10/2023

/ TRUE COPY /

09/10/2023

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

TTA

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SRIVILLIPUTHUR.
- 2 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



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4 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-14832[I] dated 09/10/2023)

ORDER
IN
CRL MP(MD) No.14086 of 2023
IN
CRL RC(MD) No.1096 of 2023
Date :09/10/2023

SS/09/10/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023