



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

Monday, the Twenty Third day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) No.14252 of 2022

in

CRL.RC (MD) No.1131 of 2022

PASTOR YESU DHASON

... PETITIONER/PETITIONER

Vs

SWAMIDHAS

... RESPONDENT/RESPONDENT

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.99 of 2010 by the Addl.Dist and Sess.Judge, Padmanabapuram, Kanyakumari District dated .3.11.2022 by confirming the judgment made in STC.No.1298 of 2007 by the Judicial Magistrate, Padmanabapuarum, Kanyakumari District dated 27.05.2010 pending disposal of the Criminal Revision Case.

Prayer in CRL RC (MD). 1131/ 2022 :

To call for the records and to set aside the order in CA.No.99 of 2010 by the Addl.Dist. and Sess. Judge, Padmanabapuram, Kanyakumari District dated.3.11.2022 by confirming the judgment made in STC.No.1298 of 2007 by the Judicial Magistrate, Padmanabapuarum, Kanyakumari District dated.27.5.2010.

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.MAYILVAHANA RAJENDRAN C, Advocate for the petitioner and of MR.G.SRIDHARAN, Advocate on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence and conviction passed in S.T.C.No.1298 of 2007, dated 27.05.2010 on the file of the Judicial Magistrate, Padmanabapuram, Kanyakumari District, the same



the Additional District and Sessions Judge, Padmanabapuram, Kanyakumari District, 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 Negotiable Instruments Act and sentenced him to undergo rigorous imprisonment for a period of three months and the petitioner was imposed to pay a fine of Rs.5000/- in default to undergo one month simple imprisonment in S.T.C.No.1298 of 2007 on the file of the learned Judicial Magistrate, Padmanabapuram, Kanyakumari District and the same was confirmed by learned Additional District and Sessions Judge Padmanabapuram, Kanyakumari District, in C.A.No.99 of 2010, dated 03.11.2022.

3. He would further submit that the trial Court as well as the appellate Court passed the judgment of conviction and sentence, in the appellate Court without the presence of the petitioner, it was disposed of.

4. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute 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, Padmanabapuram, Kanyakumari District, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-
23/01/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

- 1 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE, PADMANABAPURAM,
KANYAKUMARI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE,
PADMANABAPURAM, KANYAKUMARI DISTRICT.



3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

COPY TO

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

+1 CC to M/s.G.SRIDHARAN, Advocate (SR-957[I] dated 23/01/2023)

+1 CC to M/s.MAYILVAHANA RAJENDRAN,C Advocate (SR-1013[I] dated
24/01/2023)

ORDER

IN

CRL.M.P. (MD) No.14252 of 2022

in

CRL.RC (MD) No.1131 of 2022

Date :23/01/2023

PKP/BUC/SAR-1/01.02.2023/2P/7C