



in CRL.R.C(MD).No.1114 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.M.P(MD).Nos.14211 and 14213 of 2023
in
CRL.R.C(MD).No.1114 of 2023

K.SIVARAMALINGAM PILLAI
TECHNICAL ELECTRICAL SLY,
EXECUTIVE ELECTRICAL ENGINEER,
CONSTRUCTION DIVISION,
ARASARADI,MADURAI- 16.

... PETITIONER/PETITIONER
IN BOTH CRL MPS

Vs

M.RAJAVEL

... RESPONDENT/RESPONDENT
IN BOTH CRL MPS

Prayer in CRL MP(MD)No.14211 of 2023:

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 imposed on the petitioner vide judgment in S.T.C.No.656 of 2016 on the file of the Learned Judicial Magistrate No.I(Fast Track Magisterial level) Madurai dated 19.04.2021 which is confirmed by the Judgment dated 11.08.2023 in CRL A No.76 of 2021 on the file of VI Additional Sessions Judge, Madurai pending disposal of the above Criminal Revision Petition.



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Prayer in CRL MP(MD). 14213/ 2023 :

To Grant Exemption to the petitioner from surrendering before the concerned court pursuant to the judgment of conviction in S.T.C.No.656 of 2016 on the file of Learned Judicial Magistrate No.1(Fast Track Magisterial Level) Madurai dated 19.04.2021 which is confirmed by the Judgment dated 11.08.2023 in CRL A No.76 of 2021 on the file of VI Additional Sessions Judge, Madurai pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1114/ 2023 :

To call for the records relating to the judgment in S.T.C.No.656 of 2016 on the file of Learned Judicial Magistrate No.1 (Fast Track Magisterial Level) Madurai dated 19.04.2021 which is confirmed by the judgment dated 11.08.2023 in Crl.A.No.76/2021 on the file of VI Additional Sessions Judge, Madurai and to set aside the same by allowing this Criminal Revision Petition.

Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.ANTONY ARUL RAJ T, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

These Criminal Miscellaneous Petitions are filed to suspend the sentence passed by the learned Judicial Magistrate No.1 (Fast Track Magisterial Level), Madurai, in S.T.C.No.656 of 2016, dated 19.04.2021, which was confirmed in Criminal Appeal No.76 of 2021, dated 11.08.2023 by the learned VI Additional Sessions Judge,



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Madurai, pending disposal of the Criminal Revision Case and for exemption of his surrender pursuant to the aforesaid Judgment.

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 Instrument Act and sentenced him to undergo simple imprisonment for a period of six months and to pay a sum of Rs.6,00,000/- (Rupees Six Lakhs only) as compensation to the respondent, in default to undergo simple imprisonment for a period of two months in S.T.C.No.656 of 2016, on the file of the learned Judicial Magistrate No.1 (Fast Track Magisterial Level), Madurai.

3. The learned VI Additional Sessions Judge, Madurai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.76 of 2021, dated 11.08.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with these miscellaneous petitions.

4. It is submitted by the learned counsel for the petitioner 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 submission of the learned counsel for the petitioner and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that 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 to the credit of S.TC.No.656 of 2016 on the file of the learned Judicial Magistrate No.1 (Fast Track Magisterial Level), Madurai, within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall automatically dismissed and the respondent is at liberty to execute the



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sentence imposed by the trial Court against the petitioner in the manner known to law;

(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 No.1 (Fast Track Magisterial Level), Madurai.

(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 i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

8. The petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the learned Judicial Magistrate No.1 (Fast Track Magisterial Level), Madurai, within a period of six weeks from the date of receipt of copy of this order. Hence, Crl.M.P.(MD)No.14213 of 2023 is dismissed.



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9. Post the matter on 01.11.2023 for reporting compliance.

sd/-
09/10/2023

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

tta

TO

1.THE JUDICIAL MAGISTRATE NO.1

(FAST TRACK MAGISTERIAL LEVEL), MADURAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE VI ADDITIONAL SESSIONS JUDGE, MADURAI

COPY TO

THE SECTION OFFICER,

CRIMINAL SECTION

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-14843[I] dated 09/10/2023)
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ORDER
IN
CRL.M.P(MD).Nos.14211 and 14213 of 2023
in
CRL.R.C(MD).No.1114 of 2023
Date :09/10/2023

RK/DD (16/10/2023) 7P / 6C

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