



CRL MP(MD) No.14588 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.14588 of 2023

in

CRL RC(MD) No.1143 of 2023

SENTHILKUMAR

... Petitioner / Appellant / Accused

Vs

S.ANANDHI

... Respondent / Respondent / Complainant

Criminal Miscellanoue Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the order of conviction and sentence of simple imprisonment for a period of one year imposed on the petitioner herein by the Judgment made by the Learned Judicial Magistrate (Fast Track) Court, Uthamapalayam in S.T.C No. 80/2022 dated 04.07.2023, confirmed by the Learned Additional District (Fast Track) Court, Theni in CRL A No.111 of 2022 dated 25.04.2023, pending disposal of the the above Crl.R.C.

Prayer in CRL RC(MD). 1143/ 2023 :

To call for the records pertaining to the order passed in Crl A No. 111/2022 dated 25.04.2023 on the Learned Additional District (Fast Track) Court, Theni confirming the judgment made in S.T.C No. 80/2022 dated 03.11.2022 on the file of the Learned Judicial Magistrate (Fast Track) Court, Uthamapalayam and to set aside the same by allowing this Criminal Revision Petition.

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



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of M/S.THIRUNAVUKKARASU M, Advocate for the petitioner and of Mr.B.MICHEAL SEBASTINE, Advocate on behalf of the Respondent, while admitting the criminal revision case, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Judicial Magistrate (Fast Track) Court, Uthamapalayam, in S.T.C.No.80 of 2022, dated 03.11.2022, which was confirmed in Criminal Appeal No.111 of 2022, dated 25.04.2023 by the learned Additional District (Fast Track) Court, Theni, pending disposal of the Criminal Revision Case.

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 one year and to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) as compensation to the respondent, in default to undergo simple imprisonment for a period of three months in S.T.C.No.80 of 2022, on the file of the learned Judicial Magistrate (Fast Track) Court, Uthamapalayam.

3. The learned learned Additional District (Fast Track) Court, Theni, confirmed the conviction and sentence and dismissed the Criminal Appeal No.111 of 2022, dated 25.04.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.

4. It is submitted by the learned counsel for the petitioner that there are several



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infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned counsel appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. 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.

8. 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 30% of the Cheque amount to the credit of S.T.C.No.80 of 2022 on the file of the learned Judicial Magistrate (Fast Track) Court, Uthamapalayam, within a period of



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six weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall automatically be 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;

(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, Uthamapalayam.

(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.

(v) On such deposit, the learned Judicial Magistrate (Fast Track Court), Uthamapalayam, shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the



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Criminal Revision Case in CrI.R.C.No.1143 of 2023.

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9. Post the matter on 29.11.2023 for reporting compliance.

sd/-
16/10/2023

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/10/2023

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

TTA

To

1.The Additional District Judge,
(Fast Track Court),
Theni.

2.The Judicial Magistrate,
(Fast Track Court),
Uthamapalayam.

3.Do through the Chief Judicial Magistrate,
Theni District.

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai. (Call for records)

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-15205[I] dated
16/10/2023)



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ORDER

IN

CRL MP(MD) No.14588 of 2023

in

CRL RC(MD) No.1143 of 2023

Date :16/10/2023

ED/DD/SAR- (19/10/2023) 6P / 6C

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