



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

Friday, the Tenth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2429 of 2023

IN

CRL RC(MD) No.169 of 2023

DEEPA P.NAIR @ DEEPAKUMARI
PETITIONER

... PETITIONER/REVISION

Vs

ANILKUMAR

... RESPONDENT/REVISION RESPONDENT

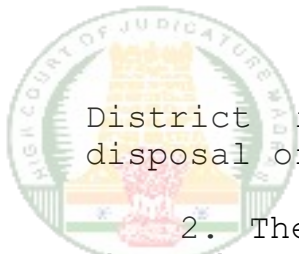
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspense the sentence by granting bail in the order passed by the Hon'ble Additional District and Sessions Judge, Kuzhithurai, Kanyakumari District in his C.A.No.64 of 2017 dated 17.08.2022 in confirming the judgment of the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District in S.T.C.No.4679 of 2010 dated 05/04/2017 till the disposal of the criminal revision.

PRAYER IN CRL RC(MD) No.169/2023:

Pleased to admit this revision petition on file, to call for the records from the lower court and duly set aside the order passed by the Honourable Additional District & Sessions Judge, Kuzhithurai, Kanyakumari District in his C.A.No.64 of 2017 dated 17.08.2022 in confirming the judgment of the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District in S.T.C.No.4679 of 2010 dated 05/04/2017 by allowing this revision.

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.PRABHU K, Advocate for the petitioner and of Mr.K.N.THAMPI, Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Court of the learned Additional District and Sessions Judge, Kuzhithurai, Kanyakumari District, in C.A.No.64 of 2017, dated 17.08.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari



District in S.T.C. No.4679 of 2010 dated 05.04.2017, 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 Instrument Act, sentenced to undergo one year SI and to pay fine of Rs.5,000- in default to undergo two months S.I. And also ordered to pay a cheque amount of Rs.5,00,000/-. The appellate Court has confirmed the judgment of trial Court.

3. The learned counsel appearing for the petitioner submitted that the revision case is preferred on the ground that the the complainant has not produced any document with regard to his source of income and the capacity of the complainant to lend the money was also not taken into account either by the trial Court or by the appellate Court. The learned counsel for the petitioner would submit that he is ready to comply any condition that will be ordered by this Court.

4. The learned counsel for the respondent would submit that he is also ready for main disposal itself.

5. Considering the submission of the learned counsel for the petitioner, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to deposit Rs.2,00,000/- before the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District and is directed to be enlarged on bail on his executing 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 learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

10/02/2023

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10/02/2023

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

INDU

TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.



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

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+1. C.C. to M/S.PRABHU K Advocate SR.No.2151

ORDER

IN

CRL MP (MD) No.2429 of 2023
IN

CRL RC (MD) No.169 of 2023

Date :10/02/2023

SA/SAR. /10.02.2023/3P/5C