



CRL MP(MD) No.15393 of 2023

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

Friday, the Third day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.15393 of 2023

IN

CRL RC(MD)No. 1206 of 2023

S.RAJA

... PETITIONER/REVISION PETITIONER

Vs

M.UDHAYASURIYAN

... 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 Sentences imposed on the Revision Petitioner made by the Learned Principal District and Sessions Judge in C.A.No.74 of 2018 dated 15.09.2023 by confirming the judgment passed by the Learned Judicial Magistrate No.2, Sattur in STC No. 834 of 2009 dated 12.06.2018 and enlarge him on Bail pending disposal of the main Criminal Revision petition.

Prayer in CRL RC(MD). 1206/ 2023 :

To call for the records in connection with the Judgment passed by the Learned Principal District and Sessions Judge, Virudhunagar District @ Srivilliputtur in C.A.No.74 of 2018 dated 15.09.2023 by confirming the judgment passed by the Learned Judicial Magistrate No.2, Sattur in STC No. 834 of 2009 dated 12.06.2018 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

<https://www.mhc.tn.gov.in/judis>



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M/S.SATHISH BABU.N, Advocate for the petitioner, 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 No.2, Sattur, in S.T.C.No.834 of 2009, dated 12.06.2018, which was confirmed in Criminal Appeal No.74 of 2018, dated 15.09.2023 by the learned Principal District and Sessions Judge, Virudhunagar District @ Srivilliputhur, 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 six months and to pay a sum of Rs.1,30,000/- (Rupees one Lakh and thirty Thousand only) as compensation to the respondent, in default to undergo simple imprisonment for a period of six months in S.T.C.No.834 of 2009, on the file of the learned Judicial Magistrate No.2, Sattur.

3. The learned Principal District and Sessions Judge, Virudhunagar District @ Srivilliputhur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.74 of 2018, dated 15.09.2023. 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. He further submitted that the petitioner has already deposited 50% of the cheque amount before the trial Court.

5. This Court has carefully considered the rival contentions put forward by either side 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 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.2, Sattur.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) 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.

sd/-
03/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 2 THE JUDICIAL MAGISTRATE NO.II
SATTUR
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

COPY TO

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



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+1 CC to M/s.N.SATHISH BABU, Advocate (SR-15979[I] dated 06/11/2023)

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ORDER
IN
CRL MP(MD) No.15393 of 2023
IN
CRL RC(MD)No. 1206 of 2023
Date :03/11/2023

PKP/JGB/SAR- /21.11.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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