



CRL.M.P(MD).No.17063 of 2023

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

Tuesday, the Fifth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL.M.P(MD).No.17063 of 2023

in

CRL.R.C(MD).No.1335 of 2023

K.TAMILSELVI

... PETITIONER/PETITIONER

Vs

G.MADHIVANAN

... 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 sentence passed against the petitioner in CA.No.61/2022 on the file of the Learned District Judge, Karur dt.29/3/2023 in CC No.918/2017 on the file of Learned Judicial Magistrate cum Fast Track Court at Magistrate Level, Karur dt.22/3/2022 pending disposal of the above Criminal Revision Case.

Prayer in CRL RC(MD). 1335/ 2023 :

To call for the entire records and set aside the conviction imposed by the learned District Judge, Karur in Crl.A.No.61/2022 by the Judgment dt.29/3/2022, by confirming the conviction and the sentence imposed by the learned Judicial Magistrate cum Fast Track Court at Magisterial level, Karur in C.C.No.918 of 2017 by the Judgment dated 22.03.2022 and allow the present 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 of M/S.CHENGIZ KHAN K, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, in C.C.No.918 of 2017 dated 22.03.2022, which was confirmed in Criminal Appeal No.61 of 2022, dated 29.03.2023 by the learned District Judge, Karur, 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 on 22.03.2022 for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of two years and to pay a sum of Rs.5,00,000/- (Rupees five Lakhs only) within one month as compensation to the respondent in C.C.No.918 of 2017, on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur.

3. The learned District Judge, Karur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.61 of 2022, dated 29.03.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.



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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.

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:-



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(i) The petitioner shall deposit 20% of the Cheque amount/ compensation amount to the credit of S.TC.No.918 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, 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 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 at Magistrate Level, Karur.

(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 at Magistrate Level, Karur, shall re-deposit the said sum in a Nationalised Bank, so that,



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the amount accrues interest and the same can be disbursed depending upon the
outcome of the Criminal Revision Case in Crl.R.C.No.1335 of 2023.

sd/-
05/12/2023

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/12/2023

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

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TO

- 1.THE JUDICIAL MAGISTRATE CUM FAST TRACK COURT AT
MAGISTRATE LEVEL,
KARUR
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3.THE DISTRICT JUDGE, KARUR.

ORDER
IN

CRL.M.P(MD).No.17063 of 2023
in CRL.R.C(MD).No.1335 of 2023
Date :05/12/2023

RK/DD (20/12/2023) 5P /4C

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