



CRL MP(MD) No.18053 of 2023

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

Friday, the Twenty Second day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.18053 of 2023

in

CRL RC(MD)No.1426 of 2023

S.KANNAN

... PETITIONER/PETITIONER

Vs

L.NAVANEETHA KRISHNAN

... 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 imposed by judgment made in CA.No.33 of 2019 passed by the Learned Principal District and Sessions Court, Virudhunagar at Srivilliputtur dated 19.9.2023 in confirming the order of the conviction and sentence dated 26.2.2019 in C.C.No.14/2018 on the file of the learned Judicial Magistrate, Fast Track Court, Srivilliputhur, pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 1426/ 2023 :

To call for the records pertaining to the impugned Judgment and conviction passed by the Learned Judicial Magistrate, Fast Track Court, Srivilliputthur is confirmed by the learned Principal District and Sessions Court, Virudhunagar at Srivilliputtur in C.A.No.33 of 2019 dated 19.09.2023 and set aside the same and allows the above 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 Mr.K.M.KARUNAKARAN, Advocate for Mr.B.FAZILKIRMANI, 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, Srivilliputtur, in C.C.No.14 of 2018, dated 26.02.2019, which was confirmed in Criminal Appeal No.33 of 2019, dated 19.09.2023 by the learned Principal District and Sessions Court, Virudhunagar at Srivilliputtur, 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 26.02.2019 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 fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one month in C.C.No.14 of 2018, on the file of the learned Judicial Magistrate Fast Track Court, Srivilliputtur.

3. The learned Principal District and Sessions Court, Virudhunagar at Srivilliputtur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.33 of 2019, dated 19.09.2023. 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 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 C.C.No.14 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Srivilliputtur. 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



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sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court,
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Srivilliputtur.

(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, Srivilliputtur, 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 Criminal Revision Case in Crl.R.C.No.1426 of 2023.

sd/-
22/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO
1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.



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2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, SRIVILLIPUTHUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

+1 CC to M/s.B.FAZILKIRMANI, Advocate (SR-18260[I] dated 22/12/2023)

ORDER
IN
CRL MP(MD) No.18053 of 2023
in
CRL RC(MD)No.1426 of 2023
Date :22/12/2023
(1/2)

SS/DD/SAR- /04/01/2024/5P/6C

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