



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

Tuesday, the Thirty First day of January Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1582 of 2023
IN
CRL RC(MD) No.107 of 2023

SELVARAJ

... APPELLANT/PETITIONER

Vs

SRI SAKTHI AGENCIES
REPRESENTED BY ITS PROPRIETOR,
SATHIYAMOORTHY

... RESPONDENT/RESPONDENT

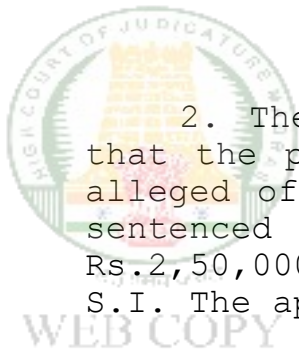
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence dt.22/8/2022 passed in CA.No.28/2020 on the file of the III Additional District and Sessions Judge, Thanjavur @ Pattukottai in, confirming the judgement of conviction and sentence passed in STC No.109/2019 dt.12/3/2020 on the file of the Judicial Magistrate Court(FTC), Pattukottai and enlarge petitioner on bail pending disposal of the above appeal.

Prayer in CRL RC(MD) . 107/ 2023 :

To call for the records pertaining to the judgements of conviction and sentence passed by the III Additional District and Sessions Judge, Thanjavur @ Pattukottai in CA.No.28/2020 dt.22/8/2022, confirming the judgement of conviction and sentence passed by the Judicial Magistrate Court (FTC), Pattukottai in S.T.C.No.109/2019 dated 12.03.2020 and set aside the same.

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.C.BHARATHI, Advocate for the petitioner, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, in C.A.No.28 of 2020, dated 22.08.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate (FTC), Pattukkottai, in S.T.C.No.109 of 2019 dated 12.03.2020, pending disposal of the Criminal Revision.



2. The learned counsel appearing for the petitioner, stated that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced to undergo one year S.I., and to pay compensation of Rs.2,50,000/- within a month, in default to undergo three months S.I. 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 only at the time of borrowing a sum of Rs.1,00,000/-, cheque was issued as security. Even though such plea has been taken by the revision petitioner that was not considered properly either by the trial Court or by the appellate Court.

4. 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 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 (FTC), Pattukkottai, 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/-

31/01/2023

/ TRUE COPY /

31/01/2023

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

INDU

TO

1 THE III ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR @ PATTUKOTTAI.

2 THE JUDICIAL MAGISTRATE, (FTC), PATTUKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

+1. C.C. to M/S MURUGESAN D R Advocate SR.No.1492

ORDER IN

CRL MP(MD) No.1582 of 2023

IN CRL RC(MD) No.107 of 2023

Date :31/01/2023

SA/MMS/SAR. /31.01.2023/2P/5C

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