



CRL MP(MD) No.15505 of 2023

WEB COPY

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

Tuesday, the Seventh day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.15505 of 2023

IN

CRL RC(MD) No.1224 of 2023

S.XAVIER

... PETITIONER/PETITIONER

Vs

C.SELVAKUMAR

... 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 all further proceedings in connection with the order passed by the learned Additional District Judge (FAC) Srivilliputhur in C.A No. 89 of 2014 dt. 12.04.2023 confirming the order passed by the learned Fast Track Judicial Magistrate, Srivilliputhur in C.C.No.4 of 2014, dated 01.03.2018, pending disposal of Criminal Revision Petition.

Prayer in CRL RC(MD). 1224/ 2023 :

To call for the records from the learned Additional District Judge (FAC) Srivilliputhur in C.A No. 89 of 2014 dt. 12.04.2023 confirming the order passed by the learned Fast Track Judicial Magistrate, Srivilliputhur in C.C No. 4 of 2014, dated 01.03.2018 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 Mr.M.SOLAISAMY, Advocate for the petitioner, the court made the following order:-

This petition is filed to suspend the sentence passed in C.C.No.4 of 2014, dated

01.03.2018 on the file of the learned Fast Track Judicial Magistrate, Srivilliputhur, and
<https://www.mhc.tn.gov.in/judis>



CRL MP(MD) No.15505 of 2023

confirmed in C.A.No.89 of 2014, dated 12.04.2023 on the file of the learned Additional District Judge (FAC), Srivilliputhur, pending disposal of the Criminal Revision.

WEB COPY

2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.4,50,000/- as compensation to the respondent, in default to undergo simple imprisonment for a period of three months. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.89 of 2014, before the learned Additional District Judge (FAC), Srivilliputhur, and the same was dismissed by confirming the judgment in C.C.No.4 of 2014 dated 01.03.2018. Hence, the petitioner seeks suspension of sentence.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the respondent are business partners and the petitioner issued 5 blank cheques with his signature for repaying the dues of the respondent. After receiving the blank cheques, the respondent misused the blank cheques.

4. Heard the learned counsel for the petitioner and also perused the materials available on record.

5. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.



CRL MP(MD) No.15505 of 2023

WEB COPY

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute 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 Court No.I, Srivilliputhur, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-
07/11/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO
1 THE ADDITIONAL DISTRICT JUDGE (FAC),
SRIVILLIPUTHUR.

2 THE FAST TRACK JUDICIAL
MAGISTRATE, SRIVILLIPUTHUR.

3 THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR.

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



CRL MP(MD) No.15505 of 2023

COPY TO:

WEB COPY

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

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-16020[I] dated 07/11/2023)

ORDER IN
CRL MP(MD) No.15505 of 2023 IN
CRL RC(MD) No.1224 of 2023
Date :07/11/2023

SA/DD/SAR. /13.12.2023/4P/7C

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