



CRL MP(MD) No.15634 of 2023

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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.15634 of 2023
in
CRL RC(MD)No.1233 of 2023

S.VASANTHA

... PETITIONER/PETITIONER

Vs

T.CHINNARAJA

... 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 the judgment made in CA.No.121/2023 on the file of II Additional District cum Sessions Court, Thanjavur dated 21/9/2023 confirming the conviction and sentence imposed by the learned Judicial Magistrate (FTC) at Magisterial Level, Thanjavur in connection with the case in S.T.C.No.35 of 2021 dated 24.03.2023 pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1233/ 2023 :

To call for records and set aside the order passed in CA.No.121/2023 on the file of the II Additional District cum Sessions Court, Thanjavur, dated 21/9/2023 confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level at Thanjavur in S.T.C.No.35 of 2021 dated 24.03.2023 by allowing this 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 Mr.K.GUHAN, Advocate for the petitioner while admitting the Criminal Revision Case., the Court made the following order:-



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This petition is filed to suspend the conviction and sentence passed in S.T.C.No.35 of 2021, dated 24.03.2023 on the file of the learned Judicial Magistrate (Fast Track Court) Magisterial Level, Thanjavur, confirmed in C.A.No.121 of 2023, dated 21.09.2023 on the file of the learned II District Cum Sessions Court, Thanjavur, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act and the petitioner sentenced to undergo one year of simple imprisonment and directed to pay Rs.2,30,000/- as compensation to the respondent in default to undergo two months simple imprisonment in S.T.C.No.35 of 2021 on the file of the learned Judicial Magistrate (Fast Track Court) at Magisterial Level, Thanjavur and the same was confirmed by learned II Additional District Cum Sessions Court, Thanjavur in C.A.No.121 of 2023, dated 21.09.2023.

3. The learned counsel for the petitioner submitted that the petitioner has filed the supporting documents by showing the liability and the transaction between the petitioner and the complainant before the trial Court and the same was not properly considered either by the trial Court or by the appellate Court.



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4. 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.

5. 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 (Fast Track Court) at Magisterial Level, Thanjavur, 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

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

TTA

TO

- 1 THE II ADDITIONAL DISTRICT CUM
SESSIONS JUDGE, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE(FTC)
AT MAGISTERIAL LEVEL, THANJAVUR.



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

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

+1 CC to M/s.K.GUHAN, Advocate (SR-16042[I] dated 08/11/2023)

ORDER
IN
CRL MP(MD) No.15634 of 2023
in
CRL RC(MD)No.1233 of 2023
Date :07/11/2023

SS/JGB/SAR- /21/11/2023/4P/6C

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