



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

Monday, the Second day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.16370 of 2022
in
CRL.R.C. (MD) No.1283 of 2022

1 SOUTH INDIAN GAS AGENCIES PRIVATE LIMITED,
THROUGH ITS MANAGING DIRECTOR,
41/46, 1 ST FLOOR VARADHARAJAN 1ST STREET,
MUTHURANGAM SALAI, T.NAGAR, CHENNAI.

2 K.RAJENDRAN

... PETITIONERS/PETITIONERS

Vs

1 VIGNESWARAN

2 THE STATE THROUGH
THE PUBLIC PROSECUTOR,
VIRUDHUNAGAR DISTRICT.

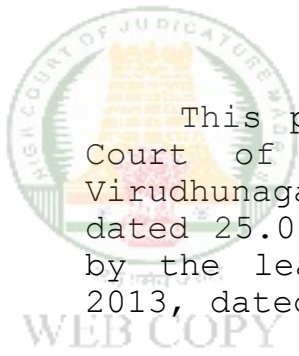
... RESPONDENTS/RESPONDENTS

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 on the petitioner vide judgement of conviction in C.C.No.346/2013 on the file of the Learned Judicial Magistrate Rajapalayam dated 14.07.2015 which is confirmed in C.A.No.76/2015 on the file of Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur dated 25.04.2022 pending disposal of the above revision petition.

PRAYER in CRL.R.C. (MD) No.1283 of 2022 :

Pleased to call for the records and set aside the order of conviction in C.C.No.346 of 2013 on the file of Learned Judicial Magistrate Court, Rajapalayam dated 14.07.2015 which is confirmed in C.A.No.76 of 2015 on the file of the Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur dated 25.04.2022 and allow this Criminal Revision Petition.

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.ANTONY ARULRAJ.T, Advocate for the petitioner and of MR.R.SURESH KUMAR, Government Advocate (Crl.Side) on behalf of the 2nd Respondent, while admitting the Crl.RC., the court made the following order:-



This petition is filed to suspend the sentence imposed by the Court of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in CrI.A.No.76 of 2015, dated 25.04.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Rajapalayam in C.C.No.346 of 2013, dated 14.07.2015, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of 6 months. The appellate Court has confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal.

3.The learned counsel appearing for the petitioner submitted that there is a possibility of settlement, since the respondent is ready to settle the issue, if any payment is made by the petitioner.

4.Mr.R.Suresh Kumar, learned Government Advocate (CrI. Side) takes notice for the second respondent.

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

6.Accordingly, 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 Judicial Magistrate Court, Rajapalayam and on further condition that the petitioner shall appear before the concerned Court once in a month i.e., on the first working day of every English Calendar Month at 10.30 a.m. pending revision.

sd/-

02/01/2023

/ TRUE COPY /

03/01/2023

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

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

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

2. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

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

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5. THE PUBLIC PROSECUTOR,
VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.ANTONY ARULRAJ.T, Advocate (SR-4[I] dated 02/01/2023)

ORDER

IN

CRL MP(MD) No.16370 of 2022
in

CRL.R.C. (MD) No.1283 of 2022

Date :02/01/2023

USK/SSS/SAR- /03.01.2023/3P/7C