



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

Thursday, the Fifth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.16390 of 2022

AND

CRL RC(MD) No.1286 of 2022

JAYAKUMAR

... PETITIONER/REVISION PETITIONER

Vs

RAJAKUMAR

... 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 imposed in CC.No.149 of 2006 on the file of the Principal District Munsif, Padmanabhapuram dt.29.4.2009 confirmed in CA.No.25 of 2009 on Additional District and Sessions Court, Padmanabhapuram dt.29.9.2022 and grant bail to the petitioner pending disposal of the Criminal Appeal.

Prayer in CRL RC(MD). 1286/ 2022 :

To call for the records and set aside the judgment of conviction imposed in CC.No.149 of 2006 on the file of the Principal District Munsif, Padmanabhapuram dt.29.4.2009 confirmed in CA.No.25 of 2009 on the Additional District and Sessions Court, Padmanabhapuram dated 29.09.2022.

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 APPAJI C.K.M., Advocate for the petitioner, while admitting the CRL RC., the court made the following order:-

This petition is filed to suspend the sentence and conviction passed in C.C.No.149 of 2006, dated 29.04.2009 on the file of the Principal District Munsif, Padmanabhapuram and the same was confirmed in C.A.No.25 of 2009, dated 29.09.2022 on the file of the learned Additional District and Sessions Court, Padmanabhapuram, 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 139 of NI Act and the petitioner sentenced to undergo six months of simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo the simple imprisonment of one month in C.C.No.149 of 2006 on the file of the Principal District Munsif, Padmanabhapuram and the same was confirmed by learned Additional District and Sessions Court, Padmanabhapuram, in C.A.No.25 of 2009, dated 29.09.2022.



3. He would further submit that the petitioner's cheques were stolen, one of the cheques was misused by the complainant, he has also registered a false compliant against the petitioner. There was no legally enforceable liability between them, this was not properly considered by the trial Court or by the appellate Court.

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 Principal District Munsif, Padmanabhapuram, 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/-
05/01/2023

/ TRUE COPY /

/01/2023

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

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TO

1. THE PRINCIPAL DISTRICT MUNSIF, PADMANABHAPURAM.
- 2 THE ADDITIONAL DISTRICT AND SESSIONS COURT, PADMANABHAPURAM.

COPY TO

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

+1 CC to M/s.M/S APPAJI C.K.M., Advocate (SR-369[I] dated 09/01/2023)

ORDER
IN
CRL MP(MD) No.16390 of 2022
AND
CRL RC(MD) No.1286 of 2022
Date : 05/01/2023