



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1412 of 2023

IN

CRL RC(MD) No.102 of 2023

RAJAGOPAL

... PETITIONER/PETITIONER/
APPELLANT/SOLE ACCUSED

Vs

SHARMILA SUNDARAM

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order Suspending the Sentence imposed on FTC-II, Magistrate Level, Madurai made in STC.No.300 of 2017 dt.23.7.2019 as confirmed subsequently by the Learned V-Addl.Dist and Sess.Judge, Madurai made in CA.No.97 of 2019 dt.30.9.2022.

Prayer in CRL RC(MD). 102/ 2023 :

To call for the records and set aside the order of conviction and sentence imposed on him by the Fast Track Court -II, Magistrate Level, Madurai made in STC.No.300 of 2017 dt.23.7.2019 as confirmed subsequently V-Additional District and Sessions Judge, Madurai made in C.A.No.97 of 2019 dated 30.09.2022.

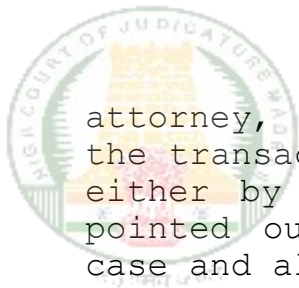
Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JEYAKUMAR B, Advocate for the petitioner, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Judicial Magistrate No.II, (Fast Track Court, Magisterial Level), Madurai, in S.T.C.No.300 of 2017 , dated 23.07.2019, which was confirmed by the learned V Additional District and Sessions Judge, Madurai, 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 him to undergo three months simple imprisonment. The above said conviction and sentence has been confirmed by the

<https://www.mca21.com> Court.

3.The learned counsel appearing for the petitioner submitted that even though complaint has been preferred through the power of



attorney, during the course of evidence, he would submit that the transaction was done personally, that was not taken into account either by the trial Court or by the appellate Court and he also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4. This Court has carefully considered the contentions put forward by the petitioner and also perused the materials available on record.

5. 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 No.II, Fast Track Court, Magisterial Level, Madurai 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/-

30/01/2023

/ TRUE COPY /

/02/2023

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

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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 concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
FAST TRACK COURT, MAGISTERIAL LEVEL,
MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

ORDER IN
CRL MP(MD) No.1412 of 2023
IN CRL RC(MD) No.102 of 2023
Date :30/01/2023