



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

Tuesday, the Thirty First day of January Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1350 of 2023
IN
CRL RC(MD) No.100 of 2023

P.MAHESWARI

... PETITIONER/PETITIONER

Vs

M.SENTHILKUMAR

... 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 of Imprisonment imposed judgment dt.13.9.2022 by learned Principal Sessions Judge, Thanjavur in Crl.A.No.34 of 2020 by confirming the conviction and sentence of imprisonment imposed by the Learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur in S.T.C.No.325 of 2017 by the judgment dated 07.08.2020, and enlarged the petitioner on bail pending disposal of this Criminal Revision.

PRAYER IN CRL RC(MD) No.100/2023:

Pleased to call for the entire records and set-aside the conviction imposed by the learned Principal Sessions Judge, Thanjavur in Crl.A.No.34 of 2020 by the Judgment dated 13.09.2022, by confirming the conviction and the sentence imposed by the Learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur in S.T.C.No.325 of 2017 by the Judgment dated 07.08.2020 and allow the present 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.MAHESWARAN R, Advocate for the petitioner, 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 Judge, Thanjavur, in Crl.A.No.34 of 2020, dated 13.09.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track



Court at Magisterial Level, Thanjavur, in S.T.C.No.325 dated 07.08.2020, 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 Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment. The appellate Court has confirmed the conviction and sentence imposed by the trial Court.

3.The learned counsel appearing for the petitioner submitted that even though the trial Court has accepted the plea of discharge with regard to the transaction between the parties, he has stated that there is no proof on the side of the revision petitioner to show that the above said discharge has been made only in respect of the disputed cheques. The learned counsel for the petitioner also submitted that even though they are having several transaction between them, the present liability has been discharged by way of the above said cheque. That was not properly taken note either by the trial Court or by the appellate Court and he has 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 on the side of 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, Fast Track Court at Magisterial Level, Thanjavur, 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/-

31/01/2023

/ TRUE COPY /

/01/2023

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

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.



- 1 THE PRINCIPAL SESSIONS JUDGE,
THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT AT MAGISTERIAL LEVEL,
THANJAVUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

ORDER

IN

CRL MP (MD) No.1350 of 2023
IN

CRL RC (MD) No.100 of 2023

Date :31/01/2023

SA/SSS/SAR.4/04.02.2023/3P/4C