



CRL MP(MD) No.17114 of 2023

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

Wednesday, the Thirteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.17114 of 2023

in

CRL RC(MD) No.1341 of 2023

RUKMANI

... Petitioner / Petitioner / Appellant

Vs

SUDHA

... Respondent / Respondent

Criminal Miscellaneousu 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 upon petitioner in C.A No.59/2022 dt.06.11.2022 on the file of Learned Principal Session Judge Thanjavur District is confirmed judgment passed in STC No.30/2016 dt.06.08.2023 Learned Judicial Magistrate FTC, Thanjavur till the disposal of the instant criminal revision petition.

Prayer in CRL RC(MD) No.1341 of 2023:

To call for the records relating to the order passed by the learned Principal Sessions Judge, Thanjavur District in C.A.No.59 of 2022 dated 6.11.2023 by dismissing the appeal and conformed the judgment passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur in S.T.C.No.30 of 2016 dated 06.08.2022 in which petitioner was sentenced to undergo simple imprisonment for 1 year and also awarded compensation a sum of Rs.6,00,000/- in default, the accused shall undergo further period of 1 month simple imprisonment payable by the accused to the complainant set aside the same.

Order : This criminal miscellaneous petition coming up for orders on this day,



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upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.GANESH PRABU.V.S, Advocate for the petitioner, while admitting the criminal revision case, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Judicial Magistrate FTC, Thanjavur, in S.T.C.No.30 of 2016, dated 06.08.2022, which was confirmed in Criminal Appeal No.59 of 2022, dated 06.11.2023 by the learned Principal Session Judge, Thanjavur District, enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 06.08.2022 for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of one year and to pay a sum of Rs.6,00,000/- (Rupees six Lakhs only) as compensation to the respondent, in default to undergo simple imprisonment for a period of one month in S.T.C.No.30 of 2016, on the file of the learned Judicial Magistrate FTC, Thanjavur.

3. The learned Principal Session Judge, Thanjavur District, confirmed the conviction and sentence and dismissed the Criminal Appeal No.59 of 2022, dated 06.11.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.

4. It is submitted by the learned counsel for the petitioner that the Compromise



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Memo was filed by the both parties before the appellate Court, the matter was compromised for a sum of Rs.3,00,000/- (Rupees Three lakhs only) and the petitioner has paid a sum of Rs.1,90,000/- and a sum of Rs.1,10,000/ only has to be paid to the respondent and the same was also discussed by the learned Principal Session Judge in para No.16 of the judgment dated 06.11.2023. He further submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. This Court has carefully considered by the learned counsel for the petitioner and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

(i) The petitioner is directed to be enlarged on bail on



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condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate (Fast Track) Court, Uthamapalayam.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
13/12/2023

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/01 /2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

1.The Judicial Magistrate,
Fast Track Court, Uthamapalayam.



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2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Judicial Magistrate,
Fast Track Court at Judicial Magisterial Level,
Thanjavur.

4.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

5.The Principal Sessions Judge,
Thanjavur District.

+1 CC to M/s.V.S.GANESH PRABHU, Advocate (SR-17760[I] dated 14/12/2023)

ORDER

IN

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Date :13/12/2023

ED/ DD /SAR- (04/01/2024) 5P / 7C

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