



CRL.M.P(MD).No.17166 of 2023

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

Thursday, the Seventh day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL.M.P(MD).No.17166 of 2023
in
CRL.R.C(MD).No.1349 of 2023

M.V.BASKARAN

... PETITIONER/PETITIONER

Vs

P.K.RAMASUBRAMANIAN

... RESPONDENT/RESPONDENT

Criminal Miscellaneous 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 by the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur in Crl.A.No.16/2019 on 31.10.2023 in confirming the conviction and sentence imposed by the Judicial Magistrate Court, Rajapalayam, Virudhunagar District in C.C.No.99/2015 on 04.01.2019 pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 1349/ 2023 :

To call for the records and set aside the conviction and sentence imposed by the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur in Crl.A.No.16/2019 on 31.10.2023 in confirming the conviction and sentence imposed by the Judicial Magistrate Court, Rajapalayam, Virudhunagar District in C.C.No.99/2015 on 04.01.2019 and allow this Criminal Revision Petition.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.JOTHI BASU, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Judicial Magistrate Court, Rajapalayam, Virudhunagar District, in C.C.No.99 of 2015, dated 04.01.2019, which was confirmed in Criminal Appeal No.16 of 2019, dated 31.10.2023 by the learned Principal District and Sessions Court, Virudhunagar District at Srivilliputtur, 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 04.01.2019 for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of one year in C.C.No.99 of 2015, on the file of the learned Judicial Magistrate Court, Rajapalayam, Virudhunagar District.

3. The learned Principal District and Sessions Court, Virudhunagar District at Srivilliputtur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.16 of 2019, dated 31.10.2023 and also directed the petitioner to pay a sum of Rs.5,22,722/- (Rupees Five Lakhs Twenty Two Thousand Seven Hundred and Twenty Two only) as compensation to the respondent. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.



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4. It is submitted by the learned counsel for the petitioner 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 the rival contentions put forward by either side 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 condition that

the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Rajapalayam, Virudhunagar District.

(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/-
07/12/2023

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

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TO

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

<https://www.mhc.tn.gov.in/judis>



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2.THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-17488[I] dated 08/12/2023)

ORDER
IN

CRL.M.P(MD).No.17166 of 2023
in CRL.R.C(MD).No.1349 of 2023
Date :07/12/2023

RK/VR (10/01/2024) 5P / 5C

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