



CRL MP(MD) No.18179 of 2023

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

Friday, the Twenty Second day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL MP(MD) No.18179 of 2023

IN

CRL RC(MD) No.1433 of 2023

S.RAMAR

... PETITIONER/PETITIONER

Vs

V.S.SHANTHI

... 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 in Judgment and conviction dt.15/11/2023 made in Crl.A.No.14/2023 on the file of Learned Additional District and Sessions Judge, Virudhunagar confirming the Judgment and Conviction dt.30/12/2022 made in CC No.224/2018 on the file of Learned Judicial Magistrate, Aruppukottai.

Prayer in CRL RC(MD). 1433/ 2023 :

To call for the records relating to the conviction and sentence passed in CC No.224/2018 on the file of the learned Judicial Magistrate, Aruppukottai dt.30/12/2022 confirmed by the learned Additional District and Sessions Judge,

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



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Virudhunagar in Crl.A.No.14 of 2023 dated 15.11.2023 and set aside the same and consequently allow the present Criminal Revision Case.

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.J.ANANDKUMAR, 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, Aruppukottai, in C.C.No.224 of 2018, dated 30.12.2022, which was confirmed in Criminal Appeal No.14 of 2023, dated 15.11.2023 by the learned Additional District and Sessions Judge, Virudhunagar, 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 30.12.2022 for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of six months and to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as compensation to the respondent, in default to undergo simple imprisonment for a period of two months in C.C.No.224 of 2018, on the file of the learned Judicial Magistrate, Aruppukottai.

3. The learned Additional District and Sessions Judge, Virudhunagar,

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confirmed the conviction and sentence and dismissed the Criminal Appeal No.14 of 2023, dated 15.11.2023. 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 petitioner is ready to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) in C.C.No.224 of 2018 on the file of the learned Judicial Magistrate, Aruppukottai, and also 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 the submission of 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



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directions:-

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(i) The petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of C.C.No.224 of 2018 on the file of the learned Judicial Magistrate, Aruppukottai, within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall automatically dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, 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, Aruppukottai.

(iii) 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

(iv) 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.

(v) On such deposit, the learned Judicial Magistrate,



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Aruppukottai, shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.No.1433 of 2023.

sd/-
22/12/2023

/ TRUE COPY /

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

TTA
TO
1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, VIRUDHUNAGAR.

2 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

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

COPY TO:

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

+1. C.C. to Mr.J.ANANDKUMAR Advocate SR.No.18332 DT.22/12/2023



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ORDER
IN
CRL MP(MD) No.18179 of 2023
IN
CRL RC(MD) No.1433 of 2023
Date :22/12/2023

SA/DD/SAR. /04.01.2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.