



Crl.M.P.Nos.7547 and 7548 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.Nos.7547 and 7548 of 2024
in Crl.RC.No.847 of 2024

Veeramuthu

...Petitioner in both petitions

Vs.

K.Shanmugam (Died)
petitions

...Respondent in both

Prayer in Crl.M.P.No.7547 of 2024: Criminal Miscellaneous Petition filed under Section 389 (1) and 401 of Criminal Procedure Code praying to suspend the sentence of one year Rigorous Imprisonment and to pay a sum of Rs.2,00,000/- to the respondent within 3 months and in default to undergo 3 months Simple Imprisonment imposed by judgment dated 06.09.2017 passed by the learned Judicial Magistrate, Kotagiri in S.T.C.No.498 of 2012 which was confirmed by the judgment dated 20.09.2023 passed by the learned Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam in Crl.A.No.157 of 2017.

Prayer in Crl.M.P.No.7548 of 2024: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code praying to exempt the petitioner from surrendering before the Hon'ble Judicial Magistrate, Kotagiri in S.T.C.No.498 of 2012.

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Crl.M.P.Nos.7547 and 7548 of 2024

In both petitions

For Petitioner : Mr.L.Mouli
For Respondent : Mr.R.Prabudoss

COMMON ORDER

Crl.M.P.No.7547 of 2024 has been filed to suspend the sentence of one year Rigorous Imprisonment and to pay a sum of Rs.2,00,000/- to the respondent within 3 months and in default to undergo 3 months Simple Imprisonment imposed by judgment dated 06.09.2017 passed by the learned Judicial Magistrate, Kotagiri in S.T.C.No.498 of 2012 which was confirmed by the judgment dated 20.09.2023 passed by the learned Sessions Judge, Magalir Neethimandram (FTMC), Udhagamandalam in Crl.A.No.157 of 201

2. Crl.M.P.No.7548 of 2024 has been filed seeking to to exempt the petitioner from surrendering before the Hon'ble Judicial Magistrate, Kotagiri in S.T.C.No.498 of 2012.



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3. The revision petitioner was convicted for the offence under Sections 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for a period of one year and further to pay compensation of Rs.2,00,000/- under Section 357(3) of Cr.P.C. in default to undergo imprisonment for three months vide judgment dated 06.09.2017 made in STC.No.498 of 2012, which, appeal was confirmed by the appellate court in Crl.A.No.157 of 2017 vide judgment dated 20.09.2023 by the learned Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam. Aggrieved by the same, the revision has been filed along with the present petitions.

4. The learned counsel for the petitioner would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. It is further submitted that apprehending arrest the present petitions for suspension of sentence and exempting the petitioner from surrendering before the Court below are filed and the petitioner is not in jail.



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5. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the revision petitioner shall deposit a sum of Rs.1,00,000/-(Rupees one lakh only) to the credit of the STC.No.498 of 2012 on the file of the learned Judicial Magistrate, Kotagiri, within a period of two weeks from the date of receipt of a copy of this order.

7. Crl.MP.No.7547 of 2024 is ordered accordingly. However, this Court is not inclined to exempt the petitioner from surrendering before the Court below. Hence, Crl.MP.No.7548 of 2024 is dismissed.

06.06.2024
(2/2)

msv

Note: Issue order copy on 07.06.2024

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Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No

To

- 1.The Judicial Magistrate, Kotagiri
2. The Sessions Judge, Magalir Neethimandram (FTMC),
Udhagamandalam
- 3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

msv

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