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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2566 of 2024

in

CRL RC(MD)No.228 of 2024

DHANAKODI

... PETITIONER/ APPELLANT/ ACCUSED

Vs

R.MUTHAMIZHSELVAM ... RESPONDENT/RESPONDENT/COMPLAINANT

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 of the Judgment made in STC.No.167 of 2014 on the file of the Judicial Magistrate, Trichy dated 2.8.2022 as confirmed by the Judgment dated 26.4.2023 made in Crl.A.No.92 of 2022 on the file of the I-Additional District and Sessions Judge(PCR) Tiruchirappalli and enlarge the Petitioner on the bail, pending disposal of the above Criminal Revision case.

Prayer in CRL RC(MD). 228/ 2024 :

To allow the Revision and set aside the conviction and sentence dated 2.8.2022 made in STC.No.167 of 2014 on the file of the Judicial Magistrate, Trichy as confirmed by the judgment dated 26.4.2023 made in Crl.A.No.92 of 2022 on the file of the 1st Additional District and Sessions Judge(PCR) Tiruchirapalli.

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.N.ANANDA KUMAR, Advocate for the petitioner and of none appeared either in person or through by an advocate on behalf of the Respondent while admitting the Criminal Revision Petition., the Court made the following order:-



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The petitioner/accused has come forward with the Criminal Appeal No. 228 of 2024, challenging the conviction and sentence to undergo one year simple imprisonment and to pay a compensation of Rs. 12,00,000/- in default to undergo S.I. for three months for the offence Under Section 138 of N.I. Act imposed on him by the learned Judicial Magistrate, Lalgudi, Trichy in S.T.C.No.167 of 2014 dated 02.08.2022 which has been confirmed by the learned I Additional District and Sessions Judge (PCR), Trichy in C.A.No.92 of 2022, dated 26.04.2023.

2. According to the learned counsel for the complainant, due to non-compliance of discharging the liability of repaying the balance amount of sale consideration on the part of the petitioner/accused to the complainant, the cause of action aroused in this matter.

3. The learned counsel for the petitioner would submit that the respondent has not produced any evidence and documents before the Courts below to prove the case to substantiate his financial capacity to lend the amount to the petitioner. He submits that the Court below has failed to analyze the evidences of D.W.1 and D.W.2 in a proper perspective manner. He further submitted that the petitioner has been incarcerated since 07.12.2023 and hence, he seeks suspension of sentence.



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4. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

5. Considering the facts and circumstances of the case, the period of incarceration of the petitioner and further, the criminal revision is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner.

6. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) 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, Lalgudi, Trichy.

(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



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(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
01/03/2024

/ TRUE COPY /

06/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE IST ADDITIONAL DISTRICT
AND SESSIONS JUDGE(PCR) TIRUCHIRAPPALLI.
- 4 THE OFFICER INCHARGE,
WOMEN SPECIAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-2586[I] dated 01/03/2024)

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-2638[I] dated 01/03/2024)

ORDER
IN
CRL MP(MD) No.2566 of 2024
in
CRL RC(MD)No.228 of 2024
Date :01/03/2024

SS/SAR- /06/03/2024/5P/8C

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