



CRL MP(MD) No.753 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.753 of 2024

in

CRL RC(MD)No. 57 of 2024

S.ESSAKI

... PETITIONER/PETITIONER

Vs

K.VALATHAN

... 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 in Criminal appeal No.40/2023 on the file of the Principal Sessions Judge, Thanjavur dated 01.11.2023 upholding the judgment and sentence passed in STC.No.126/2019 by the Judicial Magistrate Court at Magisterial Level, Thanjavur dated 14.11.2022 till the disposal of the revision petition.

Prayer in CRL RC(MD). 57/ 2024 :

To call for the records and set aside the judgment and sentence passed in CA.No.40/2023 on the file of the Principal Sessions judge, Thanjavur dated 01.11.2023 upholding the judgment and reducing the sentence passed in STC.No.126 of 2019 on the file of the Judicial Magistrate, Fast Track Court (Magisterial level) Thanjavur dated 14.11.2022 and allow this 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

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CRL MP(MD) No.753 of 2024

MR.N.TAMILMANI, Advocate for the petitioner, While admitting the Criminal Revision Case, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Judicial Magistrate, Fast Track Court (Magisterial level), Thanjavur in STC.No.126 of 2019 dated 14.11.2022 as confirmed by the learned learned Principal Sessions Judge, Thanjavur, in Criminal Appeal No.40 of 2023 on 01.11.2023 and to enlarge him on bail, pending disposal of the Criminal Revision Petition.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate, Fast Track Court (Magisterial level), Thanjavur, for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year Simple Imprisonment and the accused shall pay the total compensation of Rs.2,00,000/- payable to the complainant within a period of one month from the date of the said Judgment, in default of payment, the accused is sentenced to undergo two months simple imprisonment. The learned Principal Sessions Judge, Thanjavur, dismissed the appeal filed by the petitioner, in Crl.A.No.40 of 2023. Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Revision along with the above



CRL MP(MD) No.753 of 2024

Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submitted that there are some arguable points involved in the criminal revision and he is ready to deposit 50% of the cheque amount before the trial Court and he prays for suspension of sentence.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

5. Considering the arguable points of the petitioner and the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Revision Case.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Principal Sessions Judge, Thanjavur in CrI.A.No.40 of 2023 dated 01.11.2023 alone is suspended subject to the following conditions:-

i) The petitioner is directed to deposit 50% of the cheque amount before the trial Court 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



CRL MP(MD) No.753 of 2024

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 is directed to be enlarged on bail on his executing 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 Judicial Magistrate, Fast Track Court, (Magisterial Level), Thanjavur;

iii) The petitioner shall appear and sign before the learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Thanjavur, on the first working day of every English calender month at 10.30 a.m., until further orders.

iv) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

v) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Thanjavur.

vi) The learned Magistrate is hereby directed to disburse the deposited amount to the defacto complainant, from whom the petitioner herein collected the amount, after obtaining a proper affidavit from him. In the event of petitioner succeeding in the case, the amount will be refunded to the petitioner.



CRL MP(MD) No.753 of 2024

7. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
29/01/2024

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

PJL
TO

- 1 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, (MAGISTERIAL LEVEL) , THANJAVUR.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-1082[I] dated 29/01/2024)

ORDER
IN
CRL MP(MD) No.753 of 2024
in
CRL RC(MD)No. 57 of 2024
Date :29/01/2024

PKP/VR/SAR /31.01.2024/ 5P/ 5C

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