



CRL MP(MD) No.1967 of 2024

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

Monday, the Nineteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1967 of 2024

in

CRL RC(MD) No.181 of 2024

1 MEENA

2 GANAPATHI

... Petitioners / Appellants / Accused No.1 & 2

Vs

PREMKUMAR

... 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 passed by the Learned Additional District and Sessions Judge (FTC), Tenkasi in Crl.A.No.73 of 2022 dt.22.1.2024 by confirming the judgment of conviction and sentence passed by the Learned District Munsif cum Judicial Magistrate Court, Shencottah in C.C.No.291 of 2015 dated 14.10.2022 and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL RC(MD). 181/ 2024 :

To call for the records pertaining to the impugned judgment of conviction and sentence passed by the Learned Additional District and Sessions Judge(FTC), Tenkasi in Crl.A.No.73 of 2022 dt.22.1.2024 which confirming the judgment of conviction and sentence passed by the Learned District Munsif cum Judicial Magistrate Court, Shencottah in C.C.No.291 of 2015 dated 14.10.2022 and set aside the same.



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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 M/s.G.KARUPPASAMY PANDIYAN, Advocate for the petitioners, while admitting the criminal revision case, the court made the following order:-

The petitioners have filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on them by the learned District Munsif-cum-Judicial Magistrate, Shencottah in C.C.No.291 of 2015 dated 14.10.2022 as confirmed by the learned Additional District and Sessions Judge (FTC), Tenkasi in Crl.A.No.73 of 2022 dated 22.01.2024 and to enlarge them 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 District Munsif-cum-Judicial Magistrate, Shencottah in C.C.No.291 of 2015 dated 14.10.2022, for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months Simple Imprisonment and the accused shall pay the total compensation of Rs.5,00,000/- 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 three months simple imprisonment each. The learned Additional District and Sessions Judge (FTC), Tenkasi, dismissed the appeal filed by the petitioners, in Crl.A.No.73 of 2022. Challenging the concurrent findings of the Courts below, the petitioners have



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preferred the present Criminal Revision Petition along with the above Criminal Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioners submitted that there are some arguable points involved in the Criminal Revision and they had already deposited a sum of Rs.1,00,000/- (Rupees One Lakh only) at the time of appeal 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 petitioners 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 Criminal Revision Case.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District and Sessions Judge (FTC), Tenkasi, in Crl.A.No.73 of 2022 dated 22.01.2024 alone is suspended subject to the following conditions :-

- i) The petitioners are directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) 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 respondent is at liberty to execute the sentence imposed by the trial Court against the petitioners in the manner known to law;

(ii) On such deposit, the petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum each to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Shencottah;

iii) The petitioners shall appear and sign before the learned District Munsif-cum-Judicial Magistrate, Shencottah, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iv) In case, if the petitioners are unable to appear before the Court on the first working day of a month, they shall appear on the next working day.

v) The petitioners shall furnish their residential address and mobile number to the Trial Court ie., learned District Munsif-cum-Judicial Magistrate, Shencottah.

vi) The learned Magistrate is hereby directed to disburse the deposited amount to the defacto complainant, from whom the petitioners herein collected the amount, after obtaining a proper affidavit from them.



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In the event of petitioners succeeding in the case, the amount will be refunded to the petitioners.

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

sd/-  
19/02/2024

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/02/2024  
Sub-Assistant Registrar  
(C.S. I / II / III /IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

RM

To

- 1.The Additional District and Sessions Judge (FTC),  
Tenkasi.
- 2.The District Munsif cum Judicial Magistrate,  
Shencottah.
- 3.Do through the Chief Judicial Magistrate,  
Tirunelveli District.

ORDER  
IN  
CRL MP(MD) No.1967 of 2024  
in  
CRL RC(MD) No.181 of 2024  
Date :19/02/2024



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ED/ VR /SAR- (22/02/2024) 6P / 4C

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