



CRL MP(MD) No.3173 of 2024

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

Friday, the Fifth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.3173 of 2024

IN

CRL RC(MD)No. 276 of 2024

M.PARAMASIVAM

... PETITIONER/REVISION PETITIONER

Vs

KARUPPASAMY

... 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 imposed by the Learned Additional District and Sessions Judge, Virudhunagar in C.A.No.33 of 2021 dt.29.01.2024 while confirming the conviction and sentence imposed by the Learned Judicial Magistrate Court No.1, Virudhunagar in C.C.No. 195 of 2014 vide his judgment dated 14.09.2021 pending the disposal of the main criminal revision petition pending on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 276/ 2024 :

To call for the entire records relating to the impugned order in Crl.A.No.33 of 2021 on the file of Additional District and Sessions Court, Virudhungar dt.29.01.2024 in confirming and the judgment of conviction made in C.C.No.195 of 2014 on the file of the Learned Judicial Magistrate Court No.1, Virudhunagar dated 14.09.2021 and set aside the same and acquit the Revision Petitioner/Appellant/Accused from the charges leveled against him.



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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 MR.G.MARIAPPAN, Advocate for the petitioner and of the respondent not appearing either in person or by an advocate, the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Virudhunagar District, in Crl.A.No.33 of 2021 dated 29.01.2024, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.1, Virudhunagar, in C.C.No.195 of 2014, dated 14.09.2021, till the disposal of the criminal revision case.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate No.1, Virudhunagar for the offence under Section 138 r/w 142 of Negotiable Instruments Act, and sentenced him to undergo 1 years rigorous imprisonment and also to pay the cheque amount a sum of Rs.7,00,000/- to the complainant. The learned Additional District and Sessions Judge, Virudhunagar District, dismissed the appeal filed by the petitioner, in Crl.A.No.33 of 2021.

3. The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision and the learned trial Judge as well as the Appellate Judge has not considered the evidence in proper prospective and hence, the judgments are suffered from perversity. He further submitted that the petitioner has



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also undertakes to deposit a further sum of Rs.1,00,000/- (Rupees One Lakh only) of the cheque amount to the respondent in addition to the amount already deposited during the course of hearing of appeal. Hence, he seeks for the 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 fact that the petitioner undertakes to deposit a further sum of Rs.1,00,000/- (Rupees One Lakh only) of the cheque amount and there was no antecedent against the petitioner and there are some arguable points involved in the criminal revision, this Court is inclined to grant suspension of sentence.

6. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

(i) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) of the Cheque amount to the credit of C.C.No.195 of 2014 on the file of the learned Judicial Magistrate No.1, Virudhunagar District, on or before 22.04.2024, failing which the sentence suspended shall automatically be 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;

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(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 Judicial Magistrate No.1, Virudhunagar;

(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.

sd/-
05/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN
TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, VIRUDHUNAGAR
- 2 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.



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

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-4237[I] dated 05/04/2024)

ORDER
IN
CRL MP(MD) No.3173 of 2024
IN
CRL RC(MD)No. 276 of 2024
Date :05/04/2024

PKP/JGB/SAR /15.04.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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