



CRL MP(MD) No.12024 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of November Two Thousand and Twenty Four
PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.12024 of 2024

IN

CRL RC(MD) No.1115 of 2024

SRI KUMARAN FURNITURE AND ELECTRONICS,
REP BY ITS PROPRIETOR,
G.BALAKUMAR

... PETITIONER/PETITIONER

Vs

P.SARAVANAN

... RESPONDENT/RESPONDENT

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 made in Crl.A.No. 148/2022 on the file of the Honble Principal District and Sessions Judge, Karur which is confirming the judgment passed by the Learned Judicial Magistrate, FTC(Magistrate Level), Karur in C.C.No.514/2018, pending disposal of the main Criminal Revision Petition.

Prayer in CRL RC(MD). 1115/ 2024 :

To call for the records pertaining to the judgment passed in the C.A.No.148/2022 on the file of the Principal District and Sessions Judge, Karur District dated 05.10.2023, by confirming the conviction and sentence imposed by the Learned Judicial Magistrate (FTC), Karur made in C.C.No.514 of 2018, by judgment dated 08.11.2022 and set aside the Judgments of Court below and acquit the petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.AYYANAR PREM KUMAR, Advocate for M/S.R.JUDE HALLELUYAH, Advocate for the petitioner and of MR.S.VEERAPANDISELVARAJ, Advocate on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-



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This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the learned Judicial Magistrate (FTC), Karur, in C.C.No.514 of 2018, dated 08.11.2022, which was confirmed in Criminal Appeal No.148 of 2022, dated 05.10.2023, by the learned Principal District and Sessions Judge, Karur District pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1115 of 2024.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 08.11.2022 for the offence under Section 138 of Negotiable Instrument Act, and sentenced him to undergo simple imprisonment for a period of six months and to pay a cheque amount of Rs.1,95,000/- (Rupees One Lakh and Ninety Five Thousand only) as compensation to the respondent within a period of one month from the judgment, in default, to undergo simple imprisonment for a period of one month in C.C.No.514 of 2018 on the file of the learned Judicial Magistrate (FTC), Karur.

3.The learned Principal District and Sessions Judge, Karur District confirmed the conviction and sentence, and dismissed the Criminal Appeal No.148 of 2022, dated 05.10.2023. Challenging the same, the present Criminal Revision case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4.The learned counsel for the petitioner, who appeared through video



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conference, submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner is ready to deposit 50% of the cheque amount i.e., a sum of Rs.97,500/- (Rupees Ninety Seven Thousand and Five Hundred only) to show his bonafide.

5.The learned counsel for the respondent has not raised any serious objection to this petition.

6.This Court has carefully considered the submission made by the learned counsel on either side, and has also perused the materials available on record.

7.The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

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



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(i) The petitioner shall deposit 50% of the cheque amount i.e., a sum of Rs.97,500/- (Rupees Ninety Seven Thousand and Five Hundred only) to the credit of C.C.No.514 of 2018 on the file of the learned Judicial Magistrate (FTC), Karur on or before 16.12.2024, 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 petitioner in the manner known to law;

(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 learned Judicial Magistrate (FTC), Karur.

(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.

9. List the matter on 17.12.2024 under the caption “for reporting compliance”.

sd/-
19/11/2024

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO செய்து உதவும்

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1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KARUR.

2 THE JUDICIAL MAGISTRATE, FAST TRACK COURT (MAGISTRATE LEVEL),
KARUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-14242[I] dated
19/11/2024)

ORDER

IN

CRL MP(MD) No.12024 of 2024

IN

CRL RC(MD) No.1115 of 2024

Date :19/11/2024

RS/GSV/SAR-(02.12.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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